BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

JOINT LEGISLATIVE HEARING
In the Matter of the
2023-2024 EXECUTIVE BUDGET ON
ELEMENTARY AND SECONDARY EDUCATION

Hearing Room B
Legislative Office Building
Albany, New York

February 8, 2023
9:36 a.m.

PRESIDING:

Senator Liz Krueger
Chair, Senate Finance Committee

Assemblywoman Helene E. Weinstein
Chair, Assembly Ways & Means Committee

PRESENT:

Senator Thomas F. O'Mara
Senate Finance Committee (RM)

Assemblyman Edward P. Ra
Assembly Ways & Means Committee (RM)

Assemblyman Michael Benedetto
Chair, Assembly Education Committee

Senator Shelley B. Mayer
Chair, Senate Education Committee

Assemblywoman Carrie Woerner
Chair, Assembly Committee on Libraries
and Education Technology

Senator John Liu
Chair, Senate Committee on New York City
Education

2023-2024 Executive Budget
Elementary & Secondary Education
2-8-23

PRESENT: (Continued)

Assemblyman William Colton

Senator Robert Jackson

Assemblyman Steven Otis

Assemblywoman Alicia Hyndman

Assemblyman Josh Jensen

Senator James Tedisco

Assemblywoman Jo Anne Simon

Assemblywoman Mary Beth Walsh

Assemblywoman Rebecca A. Seawright

Assemblywoman Marianne Buttenschon

Senator Daniel G. Stec

Senator Brad Hoylman-Sigal

Assemblywoman Rodneyse Bichotte Hermelyn

Assemblywoman Chantel Jackson

Assemblyman Ron Kim

Assemblywoman Latoya Joyner

Assemblywoman Jennifer Lunsford

Senator Peter Oberacker

Assemblywoman Marcela Mitaynes

Assemblyman Doug Smith

Assemblyman William Conrad

2023-2024 Executive Budget
Elementary & Secondary Education
2-8-23

PRESENT: (Continued)

Assemblyman Matt Slater

Senator Michelle Hinchey

Assemblyman Juan Ardila

Assemblyman Lester Chang

Senator Alexis Weik

Assemblyman Sam Pirozzolo

Senator Iwen Chu

Assemblyman Robert C. Carroll

Senator Dean Murray

Assemblyman Manny De Los Santos

Senator Bill Weber

Assemblyman Robert Smullen

Assemblywoman Dana Levenberg

Assemblyman Brian Manktelow

Senator Monica R. Martinez

Assemblywoman Crystal D. Peoples-Stokes

Assemblyman John W. McGowan

Senator Jabari Brisport

2023-2024 Executive Budget
Elementary & Secondary Education
2-8-23

LIST OF SPEAKERS

	STATEMENT	QUESTIONS
Betty A. Rosa Commissioner NYS Education Department	13	22
David Banks Chancellor NYC Department of Education	193	204
Andrew Pallotta President New York State United Teachers -and- Karen Alford Vice President for Elementary Schools United Federation of Teachers -and- Henry D. Rubio President Council of School Supervisors and Administrators (CSSA) -and- Cynthia E. Gallgher Director, Government Relations School Administrators Association of New York State (SAANYS)	319	332

2023-2024 Executive Budget
Elementary & Secondary Education
2-8-23

LIST OF SPEAKERS, Continued

	STATEMENT	QUESTIONS
Jennifer Pyle Executive Director Conference of Big 5 School Districts -and- Dr. Edwin M. Quezada Superintendent Yonkers City School District -and- Dr. Tonja Williams Superintendent Buffalo Public Schools -and- Dr. Carmine Peluso Superintendent Rochester City School District -and- Anthony Q. Davis Superintendent Syracuse City School District	381	393
Dr. Bernadette Kappen Cochair 4201 Schools Association -and- Dr. Edward Placke President New York State Coalition of 853 Schools -and- Randi Levine Policy Director Advocates for Children of New York	420	431

2023-2024 Executive Budget
Elementary & Secondary Education
2-8-23

LIST OF SPEAKERS, Continued

	STATEMENT	QUESTIONS
Robert Lowry Deputy Director New York State Council of School Superintendents -and- Brian C. Fessler Director, Government Relations NYS School Boards Association -and- Dan White Legislative Chair BOCES of New York State -and- David A. Little, Esq. Executive Director Rural Schools Association of New York State -and- Kyle Belokopitsky Executive Director NYS Parent Teacher Association	459	474

2023-2024 Executive Budget
Elementary & Secondary Education
2-8-23

LIST OF SPEAKERS, Continued

	STATEMENT	QUESTIONS
Maxwell Prime Director of Government Relations & Advocacy NY Library Association -and- David Christopher Executive Director New York Association for Pupil Transportation -and- Nicholas Vallone President New York School Bus Contractors Association -and- Dr. Amy S. DelCorvo CEO & Executive Director NYS Association for Computers and Technology in Education -and- Alli Lidie Network Lead NYS Community Schools Network	519	537
Sydney Altfield Executive Director Teach NYS -and- James D. Cultrara Executive Secretary NYS Council of Catholic School Superintendents -and- Rabbi Yeruchim Silber Director of New York Governmental Relations Agudath Israel	573	581

2023-2024 Executive Budget
Elementary & Secondary Education
2-8-23

LIST OF SPEAKERS, Continued

	STATEMENT	QUESTIONS
Yomika S. Bennett Executive Director NY Charter Schools Association -and- Nakia Franklin President Charter Parent Council -and- James Merriman CEO NYC Charter School Center	603	612
Patrick Kenneally Public Policy and Legislative Committee Member New York School Nutrition Association -and- Jessica Pino-Goodspeed Co-Leader Healthy School Meals for All New York Kids Campaign -and Megan Bates Senior School Lunch Director Niskayuna CSD	641	650

2023-2024 Executive Budget
Elementary & Secondary Education
2-8-23

LIST OF SPEAKERS, Continued

	STATEMENT	QUESTIONS
Michael A. Rebell Executive Director Center for Educational Equity Teachers College at Columbia University -and- Jasmine Gripper Executive Director Alliance for Quality Education -and- Phylisa Wisdom Director, Development and Government Affairs YAFFED -and- Amshula Jayaram Coalition Lead Solutions Not Suspensions Coalition -and- Ashara Baker New York State Director National Parents Union -and- Nikos Papageorgiou Concerned Parent	668	688

CHAIRWOMAN WEINSTEIN: Good morning.

I'm Helene Weinstein, chair of the New York State Assembly's Ways and Means Committee and cochair of today's hearing.

Today we begin the third in a series of hearings conducted by the joint fiscal committees of the Legislature regarding the Governor's proposed budget. Today the Assembly Ways and Means Committee and the Senate Finance Committee will hear testimony concerning the Governor's proposal for elementary and secondary education.

So I'd like to take a moment to introduce the members of the Assembly Majority who are here, and then Senator Krueger will introduce the members of the Senate.

So we have our chair of Education, Assemblyman Benedetto; chair of our Libraries Committee, Assemblywoman Woerner. We have Assemblyman Otis, Assemblyman Colton, Assemblywoman Hyndman, Assemblywoman Jackson. And I think at the moment -- oh, right, I thought I -- Assemblywoman Buttenschon.

Senator Krueger?

CHAIRWOMAN KRUEGER: Thank you.

Good morning, everyone. I'm joined this morning so far by our chair of the Education Committee, Shelley Mayer; our chair of the New York City Education Committee, John Liu; Robert Jackson, Brad Hoylman-Sigal, and Michelle Hinchey.

And I'm going to just ask my ranker from Finance, Tom O'Mara, to introduce his members.

SENATOR O'MARA: Thank you, Chairwoman.

We're joined on our side by our ranking member Jim Tedisco, Senator Alexis Weik, Senator Dean Murray, Senator Peter Oberacker. Thank you.

CHAIRWOMAN WEINSTEIN: Assemblyman Ra.

ASSEMBLYMAN RA: Thank you.

Good morning. We are joined by Assemblyman Smith, who is our ranker on the Education Committee; Assemblyman Slater, who is our ranker on Libraries; and Assemblymembers Jensen, Chang and Pirozzolo.

Oh, and Walsh.

CHAIRWOMAN WEINSTEIN: Thank you.

So just some ground rules both for the witnesses and for -- importantly, also for the legislators who are here and who will be coming.

So governmental witnesses have 10 minutes to make a presentation. Nongovernmental witnesses have three minutes to make their presentation. Just a reminder, your testimony has been received by the committee and distributed to all of the members, so please summarize. The time goes faster than you think if you start to read.

In terms of the legislators, the chairs of the relevant committee have 10 minutes to ask a question of the governmental witnesses. The chairs only get a second round of three minutes if they need it. The rankers of the respective committees have five minutes to ask questions of the governmental witness. All other members, three minutes.

And in an attempt to not break

yesterday's record of 10.5 hours for our hearing, we -- and not have our 12-hour hearings and 13-hour hearings we had in prior years, we really ask the legislators to let either myself or Senator Krueger or your respective rankers know, when the governmental witness is finished, if you want to ask a question. Not an hour into the questioning, or not come running in and ask a question that's probably been asked already.

So -- and just a reminder that there are no PowerPoint presentations, placards, or signs permitted in the hearing room, either by witnesses, guests or legislators.

So with that, why don't we get to our Elementary and Secondary Ed Hearing, hearing from our first witness, Commissioner Betty Rosa.

Commissioner.

NYSED COMMISSIONER ROSA: Thank you. Good morning. Good morning, Chairs Krueger, Weinstein, Mayer, Liu and Benedetto. And good morning as well to the members of the Senate and Assembly who are here today.

I'm Betty A. Rosa, commissioner of Education. I'm joined today by Executive Deputy Commissioner Sharon Cates-Williams, Senior Deputy Commissioner Jim Baldwin, and Chief Financial Officer Phyllis Morris.

I want to acknowledge and thank Chancellor Lester Young and the members or the Board of Regents who I know are watching today. I also want to thank our stakeholders, whom we work with every day to meet the needs of the students and our communities. We would also like to recognize the role played by our cross-agency partners in the last two years in co-creating and harnessing the potential of connections and partnerships.

The stated mission of the New York State Education Department is to raise the knowledge, the skills and opportunities for all New Yorkers. To achieve this, we have developed three guiding principles. We want to make sure that these principles are the ones that guide all of our work. To foster lifelong learning, academic success, and

improved outcomes for all students. Advance equity, excellence, and access for all students. Strengthen the department's capacity to serve the public. That issue of service is very critical for us.

Our budget requests align closely with these guiding principles and would provide the resources needed to achieve them. And when we do that, we will be able to provide all students the tools they need to graduate high school, prepare for a lifetime of continuous learning, fulfilling careers, and informed civic engagement.

The department's budget requests, as you already have, fall into six major areas.

Early childhood programs. We seek to ensure that New York's youngest learners, building a foundation, start out where they deserve with all the opportunities and resources. Doing so requires funding. It also requires us to streamline the current system, make it more accessible to students and families, and enable us to better target services and support to historically

underserved communities.

In the second area, teaching and learning preparation, we are asking the Legislature to fund systematic improvements to the teacher certification system. That will improve customer service and make it easier for prospective and current educators to explore career advancement through certification opportunities. Doing this will remove barriers to the profession and help develop a more diverse educator workforce.

We're also looking to streamline teacher certification pathways and increase the professional learning opportunities available to teachers.

The third area, high school opportunities and career success. We're seeking to provide multiple ways for school districts and BOCES to offer students much greater and much more equitable access to advanced high school work. Career and Technical Education programs are key, and other college pathway programs such as P-Tech and Early College High School.

The issue of funding equity is our fourth. We are grateful for all the commitment and the Governor's commitment to fully funding Foundation Aid. The Regents and the department will continue to advocate for a sustainable funding model that directs aid to the schools that need it most, regardless of where they're located, be it urban, suburban and rural.

To that end, we are seeking a modest investment of 1 million to fund a Foundation Aid study, a feasibility study that will ensure resources go to those districts with the greatest needs.

Our fifth area is health and well-being. It is axiomatic but bears repeating: Children who are healthy, well-adjusted, and well-fed are better prepared to learn and thrive in school than those who are not. It is really that simple, and it's really that important, that we make sure that all students have access to these basic necessities.

Our final one is the area of data and

system modernization. We are all, in our department, suffering from this issue of data modernization. To provide the customer service and support that New Yorkers expect and deserve, our department is seeking to modernize and update some of our technology-based systems. Our systems in many cases are not only outdated but create challenges in trying to, again, serve the public.

An overall strategy we seek too is to streamline the multiple ways that early childhood programs are currently funded. While we applaud the additional pre-K programs in the Executive Budget proposal, the fact is the program is overly complex. Pre-K is governed by two different laws and six different funding streams, each with its own set of complex rules. And let's be honest: Pre-K is not universal.

Serving preschoolers with disabilities requires advancement, which New York State has not yet achieved. To address this disparity, we are promoting a 20 million

preschool inclusivity grant so that we can in fact study this issue. We also want to continue working to fix the tuition methodology used to fund preschools and school-age special education programs that is broken.

Under the methodology -- until this methodology is fixed, we urge tuition parity for these programs to mirror the funding increases we annually provide to public schools. We are a diverse state, not only in population but in geographical as well. The experiences and challenges of our districts and our students can vary from the Big 5, suburbs, and rural. This is why more flexibility and collaboration is needed.

In addition to that, competitive grants are fine. When piloting new programs, they work. Yet when we have to use them, these competitive grants create and breed inequality. They create winners and losers. While we applaud the $20 million P-TECH and Early College High School program, it lacks the flexibility that our districts require to

create innovative programs.

This is why we have proposed creating college credit and career opportunity programs which would combine P-TECH, Early College High School, and advanced coursework opportunities under one appropriation, to allow districts to apply for the funding.

New York is struggling with education staffing. We all know that. And we have to take a look at that issue very closely. We also have to look at regionalization, which is an essential component of cost-effective plans. And we also have to increase educational opportunities through collaborative methods. These actions will remove barriers to the profession for educators and promote a more diverse workforce.

Finally, I would be remiss if I failed to express a strong opposition to the Governor's plan to transfer the department's long-standing function of licensing and overseeing healthcare professionals to the Department of Health.

The current system works. It works because it aligns to the state system of educational preparation, licensure, and professional oversight under a single umbrella, thereby ensuring the public is served by competent, well-trained health professionals.

The transfer is being proposed without any feasibility study and any real consideration to this issue. The proposal is drastic. It really needs to be really looked at. While the Executive proposal contains many laudable proposals and needed resources, it would be one that needs to be studied.

Before I conclude my testimony, I want to thank the district superintendents for their leadership, and the staff of the department who work so incredibly hard on behalf of teachers, students, and the families across the state.

And with that, thank you so much for your attention and I look forward to all of your questions.

CHAIRWOMAN WEINSTEIN: Thank you,

Commissioner.

Before we go to questions, we've been joined by Assemblymembers Simon, Joyner and Slater.

CHAIRWOMAN KRUEGER: And, sorry, we've been joined by Senator Martinez.

SENATOR O'MARA: And Senator Bill Weber.

CHAIRWOMAN WEINSTEIN: I just want to remind people that, both legislators and the commissioner -- well, you've been here numerous times, but we do have new legislators -- that the time limit is both for the question and the answer. So don't do what happened a few times yesterday with someone saying, I have eight seconds left, so let me ask you my final question.

Please leave time. Senator Krueger and I were given a gavel because -- if we had an unruly member, but we didn't need to use it. So hopefully we don't need to use it today. And with that, we'll go --

CHAIRWOMAN KRUEGER: We also weren't sure whether we're using it on the member or

on the table.

(Laughter.)

CHAIRWOMAN WEINSTEIN: Right.

We also have Assemblymember Ardila who joined us.

And now we go to the chair of the Assembly Education Committee, Assemblyman Benedetto.

ASSEMBLYMAN BENEDETTO: (Mic off.) Thank you. Good morning, commissioner, and thank you so much for being here.

NYSED COMMISSIONER ROSA: Good morning.

ASSEMBLYMAN BENEDETTO: Listen, I'm continually -- and I'm sure you are too -- frustrated in education about -- we spend an awful lot of money on education and never seem to get there. I mean, we have so many students who are just not achieving the way they should be achieving. Okay? And I'm talking about, let's say, in reading.

Have we looked at, have we explored, what are your views on the way we teach reading? It has been brought to my attention

that New York State is out of step in teaching young children how they read, how they go about processing reading. And yet there are new theories, or maybe they are old theories that are now new again.

Just your opinion on that.

NYSED COMMISSIONER ROSA: Well, I think when you're talking about old theories that are new, you're probably making reference to the brain research. That's what I'm assuming you're referencing.

But I want to go to the fact that you said -- many times we look at this context of success through the lens of high-stakes testing. And so I think the one thing that we're truly looking at is really having a sense of -- when we think about our students success, and particularly you used the term "reading," using multiple ways of looking at that success in terms of achievement, in terms of how students move forward both at the local level -- as a former principal, superintendent -- the kinds of strategies, the kinds of programs that we put in place

that support our students.

One of the things that I think we have not done a good job is -- and as I -- the reason I talked about pre-K is exactly this issue of building the foundation. And so later on we look at and we think about the investments that we need to make to start the race in the right place at the right time, both for special-needs students and Gen X students, particularly in collaborative, inclusive environments. So that our students have the kind of foundation that they need to move forward.

So setting that foundation is critical. But I do think that in looking at the results, if we look at the results through one lens only -- and, you know, we can look at graduation rates. As we know, that's also a measure. But we have to look at across -- across the aisle, what are the strategies that are used, what research informs those strategies, and what are the results from a multiple way, not just looking at it through one specific high-stakes -- and

not to take away, it is -- it's important, but it's one factor in the equation.

ASSEMBLYMAN BENEDETTO: Thank you.

The Regents. There are rumors that the Regents are reviewing the qualifications for graduation and possibly doing away with the Regents examinations, or revising the Regents examinations.

Have you been privy to maybe some of their discussions and which way they're going in this area?

NYSED COMMISSIONER ROSA: Point of clarification. The Regents exams -- first of all, most of you know in 2019 we started a task force to look at our graduation rate, to look at our graduation process, and to look at what it means to have a New York State diploma. And with students, how they are prepared, whether it's for career or college and civic readiness.

So the Regents exam is a factor. But we -- from 2019, we put an original task force from that. We've spent a great deal of time working with our partners, our research

partners, which are given to us by the feds -- USDE pays for that, West Ed, looking at research not only nationally but internationally. And we did -- recently we did a report on this.

But in addition to that, we've put together 64 members of a task force with various -- various I would call participants from rural to urban to suburban principals, business -- as a matter of fact, yesterday Chris White did a presentation with our blue-ribbon committee to talk about CTE with students' voices as well as parents' voices, to talk about how we work together. And that's what I was talking about, cross-agency.

So it is not the Regents that are doing this work. This work is being done by a cross-section of various both educators, business, and other individuals as our stakeholders, that are very much a part of this conversation. And we will be -- in November, the committee will be advancing recommendations to the department and the

Board of Regents.

So to your question about getting rid of or making decisions -- no decisions have been made or will be made. As a matter of fact, there's a summit convening to look at these different issues that we're struggling with.

So while I know there's a narrative out there that -- you know, about the Regents, specific about the exam, we are looking at the entire process of what it means to be prepared for college, for career, and civic readiness. It is not -- the Regents' conversation seems to have dominated a lot of this issue, but in fact it is one issue that we are going to be looking at, but it is not the only issue.

ASSEMBLYMAN BENEDETTO: Thank you.

One last question, please. I would be remiss if I don't bring up our special education schools. They are near and dear to my heart. They do wonderful jobs teaching, educating the children who need it most, need our help most.

Yet, year after year, the 4201s --

NYSED COMMISSIONER ROSA: The 4410s also.

ASSEMBLYMAN BENEDETTO: The special ed schools are just always begging for more money, they're losing teachers. Your observations.

NYSED COMMISSIONER ROSA: Sure. In my presentation you heard me talk about the 4410s. You know, the tuition rate methodology is broken. We really have to create a sense of parity. We have to really create -- we have to make a commitment to take that methodology, that formula, because we are losing -- I mean, I think -- and I know that Phyllis can correct me. I think in 2014 we had -- you know, we've lost a lot of our residential programs, a lot of our programs that really support and are available to our children who need these programs.

But when we have a broken methodology formula that doesn't allow these programs -- doesn't sustain and doesn't create the

opportunities to have these programs for the parents. As a matter of fact, many of you know parents who need residential programs, sometimes we have to send them out of state. And sometimes we pay twice or three times as much because we haven't built the capacity internally to make it easier for parents to continue the relationship with their children while they're in these settings.

And we also have not provided a methodology that really supports the teachers, the programs, to continue to be effective on behalf of our students who need these programs.

ASSEMBLYMAN BENEDETTO: Commissioner, thank you for your answers, your time. And thank you for the job you're doing. Thank you.

NYSED COMMISSIONER ROSA: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We've been joined by Assemblymembers Lunsford and Mitaynes and Conrad.

Now we go to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Next is our chair of Education, Shelley Mayer.

SENATOR MAYER: Thank you, Madam Chair.

Thank you, Commissioner. And staff, thank you for your work. Thank you for being partners with us in the Legislature.

You know, with the really persistence of the Legislature and now with the help of this Governor, we are finally fully funding Foundation Aid. We are in the third year of this, which is a pretty historic thing, and we appreciate how much you've been a partner in that.

How do you think that translates into student outcomes and student experience in education, where we're dealing with years of underfunding in particular school districts, which we're very familiar with, but now we're trying to address that. So I wondered if you could sort of briefly say how you think it impacts the experience of students and of course families that care about how their kids are educated.

NYSED COMMISSIONER ROSA: Well, I also want to add the pandemic, in the middle of all this, particularly with the issues of mental health and all the isolation and disconnect that we have to think about, the reentry of many of our students back into the system. I think we're all seeing not only the years of struggling, you know, from 2008 moving forward, and trying to really in many ways educate our students with limited resources. At the same time, the pandemic also exacerbated the needs. As you know, right now we're going through the issue of -- we call it academic, you know, recovery, but it's also social-emotional recovery for many of our students.

So I do think while, to your point, we are extremely grateful for the work that was done to get to that point in terms of fully funding Foundation Aid, even in that space there are still some issues that we need to really zoom in and address in terms of social workers, all the issues that schools need to really, truly respond to, to make sure that

our children have the kinds of resources they need to be ready. I mean, the issue with nutrition, you know, we can't -- you know, students that are having issues whether it's at home or the only meals that they really have are the meals that they get in school, and some of them take home some of those meals.

I mean, all of these are very complex issues. And you know, because we've discussed them continuously, both at the local level as well as at the state level.

Jim, you want to --

SR. DEP. COMMISSIONER BALDWIN: Sure.

You know, I think we need to recognize that the resources will certainly increase the capacity of our schools in most cases. However, there are schools where they receive really a maintenance-of-effort kind of boost, and there is evidence that those schools are struggling and will continue to struggle unless we address some of the issues in the formula.

A few things to point out. The

current formula is based on the 2000 Census, the 2006 Regional Cost Index, and dated measures of what are referred to as successful schools. So while the full funding of the formula is certainly applauded, we do need to recognize that it has taken well over a decade for us to get there and that times have changed, the demands on our schools have changed.

And that is why we've requested resources to conduct the research that's necessary in order for us to make informed recommendations as to how the Foundation Aid formula could be reformed.

SENATOR MAYER: Yes, and we're familiar with the $1 million request that you have made to begin to address that.

You raised a point, Commissioner, that is important I think to many of us, which is the need -- the mental health needs of our students, their social-emotional health. Last year with the Governor we put money into the RECOVS program, which was intended to be -- to really address some of this need on

a school-specific basis. And I think there's been a challenge getting that money out the door, to put it nicely.

So can you walk through with us why money that you supported, we supported, the Governor supported, doesn't get to the schools within the year that -- since we enacted the last budget?

NYSED COMMISSIONER ROSA: Sure. Besides giving you an overview, I think I also sent to your office kind a chronology as well.

SENATOR MAYER: Yes.

NYSED COMMISSIONER ROSA: And I think -- and that's something that we would like to submit as evidence of an area that we really do need to address. And I think it should be for all of our legislators.

One of the major issues we have is that we can get together -- and in this particular case, we did -- with Mental Health, and we can come up with a way that we believe -- it's a tremendous amount of work to get an RFP done. And then we

submit it, and then we submit it to DOB. And as I said, we will make sure, for the sake of time, to share it. And we dated -- and this is the kind of work we're doing right now, is taking stock and making sure we give you evidence. It isn't just talking about it.

But here's the evidence. In May we start out, we pull and put together the proposal, we submit the proposal, questions come back and forth, and that could take several months of trying to answer those questions for DOB. It sits, it goes back -- you know.

SENATOR MAYER: Right.

NYSED COMMISSIONER ROSA: So a year later we're still waiting for approval. The field is looking at us, we're in the middle of this, looking -- you know, this is a collaborative with Mental Health -- looking at us and saying, we desperately need this. But unfortunately because it is with DOB --

SENATOR MAYER: DOB, I think you mean.

NYSED COMMISSIONER ROSA: I'm sorry?

SENATOR MAYER: DOB.

NYSED COMMISSIONER ROSA: DOB, yeah. Budget. And the approval has to go through that.

Even creating, I mean, any RFP -- that's why we're having concerns about RFPs and equity issues. Any RFP can take anywhere between nine to 10 months, with all the negotiations that go on. It is an area that we have to look at. We have to streamline it, we have to get to a point that, you know, all the work that we're doing in collaboration with our other agencies -- that we do this work, but that we do it and make sure that if they have 27, 30 questions, let's sit at the table, let's get the questions done, let's get this money into the hands of our school districts and our schools and our agencies where it's needed.

SENATOR MAYER: Understood. I mean, we're looking for practical solutions to --

NYSED COMMISSIONER ROSA: Absolutely. And --

SENATOR MAYER: -- eliminate this problem of such delay. So understood on

that. Thank you.

I just want to jump -- because you did talk about many things that I have questions about. But on early childhood -- and thank you for your real focus on that. Here's another program where the Legislature fought -- with the leadership of certainly our leader, Andrea Stewart-Cousins -- to get more full-day pre-K for 4-year-olds outside New York City. And yet there's a significant number of dollars left on the table because districts have not either elected or feel they are unable to provide -- or in some cases uninterested in providing full-day pre-K for 4-year-olds.

I know you have some suggestions on how to improve the program. Can you just walk through them very briefly and summarize how we can make this program work and provide meaningful full-day 4-year-old pre-K?

NYSED COMMISSIONER ROSA: Right.

Well -- but before we even address how we can make it work, you have six different programs operating. You have different

funding streams operating. So when schools have to make decisions about this -- and there are different -- you know, there are different levels in terms of cost. And so schools are having to not only make decisions, reporting different, you know -- for example, I think in the original 25 million, approximately about $12 million were left on the table because people -- it is a nightmare trying to get through the six different programs that are operating. We need to streamline it, make it truly universal. If we believe in universal pre-K, name it, label it, and make sure we advance it and support it and have it work that way.

Phyllis, do you want --

SENATOR MAYER: I just want to ask, aren't I correct that some districts are not taking it because the reimbursement is not adequate for the cost of --

NYSED COMMISSIONER ROSA: A year later. Yeah, you have to lay the money up-front. This is what I'm saying.

SENATOR MAYER: Yes, understood.

NYSED COMMISSIONER ROSA: It's so complex. You lay the money up-front and then it's -- you get the money next year.

So the complexity of these structures are making it challenge -- you know, it's not -- we hear the rhetoric, right, and we hear the rhetoric of "We're advancing, we're paying, we have all of this, why aren't people taking advantage of this?"

The one good thing they suggested at a recent meeting with the chamber, with the representatives from the Governor's office, let's collect data, let's look at this and figure out what are the barriers. Well, at the same time we look at the barriers, it's the same thing with the 4410s, with special ed and the methodology, right? We're talking about inclusive classrooms, and yet look at the way we do that funding in terms of 4410s and our UPK.

So all I'm saying is I think it's so important to really look at the structural issues when we do -- when we do this. I'm sorry.

SENATOR MAYER: No, I understand. Thank you very much, Commissioner.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Woerner, chair of the Libraries Committee, for 10 minutes.

ASSEMBLYWOMAN WOERNER: Thank you very much, Commissioner. I appreciate your testimony.

I'm going to focus, as you might imagine, on libraries. So in your testimony you talked about how part of your strategy is fostering lifelong learning and advancing equity and ensuring access for all. And certainly libraries play that role in our communities.

So my -- I'm going to start with a question that says, in the Aid to Libraries proposal, we're $6 million off of our peak in -- that was in 2008. So we have been steadily decreasing the funding in our aid to our community libraries. And I wonder how you might reconcile that with a goal of fostering lifelong learning and access for

all.

NYSED COMMISSIONER ROSA: So I want to start by saying thank you for that question, because I think we all know particularly libraries in communities, they are the heart of the learning for adults and the heart of learning. They're a hub where literacy -- that -- the question that was asked by Chair Benedetto, where families kind of gather and have opportunities to share that learning process.

So the -- I know the Regents advanced the issue of having additional resources added to this. Instead, I'm going to let my exec share with you -- oh, Phyllis. Phyllis. Let's talk about the funding and then we'll talk about the remedies.

NYSED CFO MORRIS: So the Executive Budget does propose a $3.5 million decrease for aid to public libraries, which -- year to year. And that is something that we are concerned about. We have advocated for full funding for the formula-based program. We've also advocated for an increase in public

library construction, which is also decreased in the Executive Budget.

So -- and we also have advocated a fee increase for the Office of Cultural Education, which would support all of the programs that the Office of Cultural Education administers, to help with administering these programs.

EX. DEP. CMMR. CATES-WILLIAMS: So as Phyllis mentioned, we did put forth a proposal to increase the fees. And it's a minimal increase. And these fees mostly come from mortgage fees during closings. So the fees are very small, but the return is really big when it comes to libraries.

And of course, as you know, with libraries there's the whole broadband issue. So that is a part of the goals, and that's why we asked for the funding that we asked for.

ASSEMBLYWOMAN WOERNER: Thank you.

So just for clarity, my understanding is that the -- that currently the mortgage recording fee that the library -- that the

state receives to fund the Cultural Education and the LGRMIF program is $17 per transaction. And you're asking for an additional 10, is that correct?

NYSED CFO MORRIS: That is correct.

EX. DEP. CMMR. CATES-WILLIAMS: That's correct.

ASSEMBLYWOMAN WOERNER: Okay. And as I look at the Cultural Education and the LGRMIF accounts, I'm noting that you're currently running a deficit. So it's not just about needing to expand, but you're actually running a deficit of about $4.2 million.

And so I'm wondering if we fail to make this adjustment, what is your strategy for closing that gap?

NYSED COMMISSIONER ROSA: Wait, just a point of clarification on this.

We have been running a deficit and racing to really erase that deficit. So good news, Phyllis?

NYSED CFO MORRIS: Right. So there has been a deficit for a number of years.

The deficit has been erased, and that was not an easy task.

There was -- because the fees are based on mortgage recording, and so the fees depend on the housing market, which has -- is nothing that the State Education Department can control and nothing that is directly related to the actual business of Cultural Education. So we're really dependent on the way the mortgage and housing market fluctuates.

But yes, in the past there -- when the housing market was booming, there was surplus that was swept into the General Fund in the budget, and then we've had a deficit since then. But the deficit, through a lot of cost-cutting actions on the part of the department and the Office of Cultural Education, has led us to be able to erase that deficit.

ASSEMBLYWOMAN WOERNER: And am I correct in saying that the cost-cutting measures that you engaged in included eliminating curators in the archives and in

the State Museum, which impacts the experience that visitors have and the researchers have in our state institutions?

EX. DEP. CMMR. CATES-WILLIAMS: Yes, that is correct. As well as other programs that the fund supports.

ASSEMBLYWOMAN WOERNER: Thank you.

So I note that in the Executive Budget she zeroes out funding for the Schomburg Center for Research in Black Culture and the Langston Hughes Community Library. And these are, you know, truly institutions that are unique cultural resources in our state and really a source of strong community pride.

Can you help me to understand what the thought process is behind that?

EX. DEP. CMMR. CATES-WILLIAMS: The thought process behind the --

ASSEMBLYWOMAN WOERNER: Zeroing out those funds.

EX. DEP. CMMR. CATES-WILLIAMS: Zeroing out the funds? Well, I don't know that I can speak on behalf of the Executive and why they thought that that made sense,

but we certainly support those institutions and would like to see the funds reinstated.

ASSEMBLYWOMAN WOERNER: Fantastic. Thank you so very much.

And I'll cede the rest of my time.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate?

CHAIRWOMAN KRUEGER: Thank you.

We think education is so important we have two committees for it. So we have Chair John Liu, chair of the New York City Education Committee.

SENATOR LIU: Thank you, Madam Chair.

Great to see everybody today. Always good to see you, Commissioner, and your team.

I think I want to underscore what Chair Mayer has already said, that we are, for the very first time ever, fully funding Foundation Aid, thanks in no small part to the efforts of Chair Mayer, Chair Krueger, and our leader, Andrea Stewart-Cousins. It's a big deal.

Now, now that there's so much money it's fully funded, how does the

Foundation Aid get out to school districts and schools? Or let me just ask a more basic question. Is the State Education Department responsible for disbursing that aid to local school districts?

EX. DEP. CMMR. CATES-WILLIAMS: Yes, we are.

NYSED CFO MORRIS: Yes, we are.

So there are statutory requirements as to payment requirements deadlines. And yes, the State Education --

CHAIRWOMAN KRUEGER: I'm sorry, can you speak closer to the mic?

NYSED CFO MORRIS: Can you hear me?

Yes, the State Education Department -- is that better? We have the office of education finance that administers state aid payments, and it's on a statutory payment schedule. And yes, the Education Department is responsible for working with OSC --

SENATOR LIU: What is Foundation Aid?

NYSED CFO MORRIS: What is it?

SENATOR LIU: What is it?

NYSED CFO MORRIS: It's general

unrestricted operating aid for schools.

SENATOR LIU: A general what?

NYSED CFO MORRIS: Unrestricted operating aid.

SENATOR LIU: Unrestricted. It's a blank check?

NYSED CFO MORRIS: It can be used for any appropriate educational purpose, correct. It's flexible funding. It has to be used for education, though.

SENATOR LIU: Okay. Unrestricted, but it has to be appropriate. What's appropriate?

NYSED CFO MORRIS: So there's statutory provisions governing Foundation Aid and how it's calculated and the way in which school districts can use the --

SENATOR LIU: My understanding is that the origin of Foundation Aid was in response to a lawsuit where the courts decided -- and great thanks to my partner over here, Senator Jackson -- that kids were not getting a sound, basic education.

So my understanding of Foundation Aid

is that it is to provide for a sound, basic education. Can you briefly describe what that sound, basic education requirement is?

NYSED COMMISSIONER ROSA: Okay. So as a person who testified during the CFE, and being in the role at the time as a superintendent, having been in the role of a principal as well, and supporting the whole issue of Foundation Aid, because of the fact that we had students who had very weighted -- in other words, they were within the formula -- we wanted to make sure that the funding was used specifically to address many of the issues that were identified that obviously were not cost-neutral. They were -- these were issues that were -- we were going to need additional funding to support those individual students.

SENATOR LIU: You're talking about the original lawsuit. And let's fast-forward to 2023. When the State Education Department disburses the Foundation Aid to local school districts, does it just simply send that money out and that's the end of story, the

school districts basically are entrusted to do whatever they need or want to do?

NYSED COMMISSIONER ROSA: No, there are specific -- okay, the formula has specific amounts of dollars attached to different students and different conditions and different situations.

This is not a blanket -- to your point, it's not a blanket check for --

SENATOR LIU: What kind of information does the State Education Department expect back from a school district in terms of how they use that funding? And more specifically, I'm getting to the budgetary language that we passed that talks about the State Education Department holding school districts accountable for how they use that Foundation Aid.

So what does the State Education Department do to hold districts accountable?

NYSED CFO MORRIS: So districts are required to do -- provide extensive reporting. They're required to report on their budgeted expenses -- not just for

Foundation Aid, but all sources of school aid. And also they're required to report on their actual expenses at the end of the school year.

We also, pursuant to language in the enacted budget, have collected plans from districts on their use of the Foundation Aid increase, and those plans are on our website, that detail how the increase is going to be used by school year. So that information can be found on our website.

SENATOR LIU: And can you maybe just like -- maybe three top measures or top items that they have to respond about, a school district has to respond about?

NYSED COMMISSIONER ROSA: Well, yeah. They -- okay. So if they have English language learners, students with disabilities, they also have to make sure that in the formula, for example, economic disadvantage -- all of these are categories that when the plan is set -- and by the way, it's not just -- you know, the funding is very specific to those -- to those

categories. So that the way the money is aligned has to be spent on those particular situations.

So that even, you know, within the formula, the district receives, based on their student, their -- you know, we keep -- you know, we take a look at the number of students that are in that district. The only time we -- there's some adjustment is to, you know, hold harmless --

SENATOR LIU: Well, one of the reasons why -- one of the reasons why the courts decided that kids were not getting a sound, basic education was that they were stuffed in oversized classrooms, too many kids in the class. Does the State Education Department monitor that at all?

NYSED COMMISSIONER ROSA: Okay, so in the process of the conversation, the issue of class size -- which I know we sent that over as well -- we have been -- when that was put in place, we have been monitoring, having conversations. We even provided a report, particularly for New York City, in terms of

class size.

Now, I will tell you, as somebody who's gone throughout this state, size -- class size, a local decision, is made at the local level, and many school districts, in terms of class size. And some of it is affordability of what -- given the funding that they receive, given their money.

I have gone from North Country, whether it's Massena High School or even --

SENATOR LIU: All right --

NYSED COMMISSIONER ROSA: I'm just saying that there are different class sizes.

SENATOR LIU: But, Commissioner, you're saying that the State Education Department is on top of the class size issue.

NYSED COMMISSIONER ROSA: Absolutely. New York City, we have -- I think we submitted a --

SENATOR LIU: I will remind your whole team, and I don't think any of you need reminding, that Foundation Aid is to provide that sound, basic education. And that court ruling some years ago ruled that class

size -- that when class sizes are excessive, that precludes providing a sound, basic education.

So from the macro level, as opposed to getting into the weeds on the formulas and everything -- and I would expect that the State Education Department be on top of what the basic purpose of Foundation Aid is. And that is to provide that sound, basic education, which cannot be achieved when classes are excessively large.

NYSED COMMISSIONER ROSA: Mm-hmm.

SENATOR LIU: Terrific.

You know, there's been a little bit of discussion, if not controversy, about the teaching of history -- in particular, what the College Board deems to be history and what students should be tested on. Who decides what's on the Regents test for history?

NYSED COMMISSIONER ROSA: We do. We have -- but we base it on standards. Standards guides the work of how teachers, who are intimately involved through --

SENATOR LIU: Who decides what those standards are, then? The Regents?

NYSED COMMISSIONER ROSA: No. The Regents -- the Regents have policymaking. We as a department work with our department staff on the standards work. We work with our districts, we work with all of the different stakeholders in terms of representation.

SENATOR LIU: And what if there are some people, a significant number of New Yorkers, who feel that there are things missing from the Regents standards or the items taught in specifically the Regents -- the history Regents?

NYSED COMMISSIONER ROSA: Right. So we review -- we request funding, as you know, to review our standards. As a matter of fact, which is challenging, our health standards, it's been 20 years. We have not had the kind of support and funding.

I mean, this is the kind of work that we constantly ask for support to review our standards. Even now, when we asked this

year, as we're doing our work for grad measures, one of the questions -- one of the things we asked for is funding to support our review of our standards.

SENATOR LIU: All right. Well, I know you have held this as an important priority of yours, but that it's -- from my perspective as a member of the State Senate, we need to do more and quicker. And specifically, you know, after decades, Asian-American history and experience is still completely excluded from the Regents exam, which is why it's not really integrated in the teaching of history in our public schools.

CHAIRWOMAN KRUEGER: Thank you, John Liu.

SENATOR LIU: Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: You don't have time to answer that one. Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Smith, the ranker on Education, for five minutes.

ASSEMBLYMAN SMITH: Thank you, Madam Chair.

And thank you, Commissioner, for joining us today. You're a true champion for public education, and I appreciate how accessible you've always been to members of this body anytime we've had an issue.

I have a few things I want to ask you about. As a parent of a 4-year-old who won a lottery and got in the universal pre-K program -- I know you've expressed a lot of concerns about the fact that this program is not universal. So I'd like to just ask -- and my district, as you know, is suburban Long Island, and I represent about six very large central school districts. And some issues that they're bringing to my attention are that they're not able to utilize universal pre-K funding to make capital improvements, which actually is problematic because some of them have shuttered old buildings and they'd like to repurpose them as UPK centers.

Do you have any thoughts on that or

some other things we should be looking at?

NYSED COMMISSIONER ROSA: Yeah, this is what I -- we have been having, just so you know, part of our internal conversation of why -- you know, I was very specific on saying that the formula's broken. I didn't say it needs tweaking or it -- it is broken.

When you look at the whole issue of -- I already mentioned the 4410s. The lottery process is -- the number of kids you have to have in order to then, you know, make up and make sure that you receive the funding. We've had extensive conversations on this issue.

In order to really, truly create -- we have been creating more and more, in the last couple of years, isolation, not integration. So to respond to your question, the lottery, the way that our formulas work, the reporting system -- when superintendents have to make these decisions about programmatic decisions and different reporting and different costs or whatever, those are the challenges that leave -- leave us in a very difficult

position to support our superintendents and our schools with these specific issues.

So I want to give you the budgetary issue.

NYSED CFO MORRIS: But in terms of the capital question, that's correct. The UPK, the $25 million for UPK in the '22-'23 enacted budget, and the same $25 million that's proposed for '23-'24, cannot be used for capital construction. So it's not possible for a district who lacks space to serve preschoolers to be able to take advantage of the funding.

And as the commissioner referenced earlier, the $25 million from this year, when we did the RFP, we only received $12 million worth of applications. And we've had to do a second RFP round for the remaining 13 million. And that process is open, so we haven't yet -- we don't yet know what kind of take-up rate we'll get on that. But when we ask districts why didn't you apply, one of the primary things we heard was "We don't have space and we can't use the money for

capital projects."

ASSEMBLYMAN SMITH: And it's actually hard because now if they want to make space, they can't. So thank you for taking a look at that.

Next up, school meals. I think we all believe, as you mentioned, that it's important that a child eats in order to teach them. As somebody who was a former educator, I know that that's a priority. I think it's a priority for members of this house and both houses.

So the Farm to School program, I don't know if you're familiar -- yeah, of course. So Long Island schools are having a difficult time meeting that, being able to incorporate 30 percent of locally grown or New York-grown efforts to include that. That includes, you know, milk they're trying to buy. I think we finally reached an agreement where they can buy New York milk. A lot of them were purchasing from New Jersey.

But the reimbursement -- so any school, as you know, that can get 30 percent

from New York-grown products, their reimbursement for school lunches go from a nickel to 25 cents, which is great.

Is there any thought of regionalizing this, perhaps, or making tweaks? Because I know our schools would love to participate in that.

NYSED COMMISSIONER ROSA: So two parts. Because we do have an answer for you on that one, because some flexibility has been given, which is a good thing.

We did put in for the two -- originally I think we put in 200 million, but it turned out to be 280 million in order to do the full package of universal free lunch.

We have been working very closely -- as a matter of fact we had the undersecretary come and we received some funding to really look at nutrition as a key, key point. And we're working with Commissioner Ball, as you know, to really, really look at this -- the Farm to School program, which is about a million and a half. It's a program that we support, we absolutely think it's phenomenal.

And now the good news is that we have -- Phyllis will share -- some flexibility in this issue in terms of your question about using our farmers.

NYSED CFO MORRIS: Just one point of clarification. That program was actually moved to the Department of Agriculture & Markets in '22-'23, so we're not administering that program any longer. Although we completely support it, as the commissioner said. And there is language in the Executive Budget that would address some of the issues that we faced when --

ASSEMBLYMAN SMITH: Thank you. And I appreciate that, and hopefully we'll get a final fix in the final budget.

Thank you for your time.

CHAIRWOMAN WEINSTEIN: Thank you.

We've been joined by Assemblywoman Bichotte Hermelyn.

And now to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

And we've been joined by Senator Iwen Chu, and I think Senators Stec and Weber

since you last made announcements.

SENATOR O'MARA: Yes.

CHAIRWOMAN KRUEGER: Thank you.

And our next questioner is Senator Jim Tedisco, ranker, for five minutes.

SENATOR TEDISCO: Thank you.

Thank you, Commissioner, and all for being here today, for your service, for helping to move our educational system forward.

I want to ask you a question -- because we have limited time -- that a number of parents have asked me to ask of you. It may be a little bit theoretical, but I think every parent who's concerned has an interest in it.

If you had a child in school or even a grandchild in school that was being bullied day in and day out, would you want to be notified of that?

NYSED COMMISSIONER ROSA: I heard part of your question. Say it again?

SENATOR TEDISCO: If you had a child in school that was being bullied, day in and

day out, would you as a parent want to be notified of that?

I mean, we're asking a tremendous amount of our parents -- come to PTA meetings, meet with your teachers, help us with IEPs, help us with the curriculum. But we don't have a law that says when they're reported to the State Education Department, that a bully -- which is mandated, that bullying has taken place for a child. And it's not only being notified if your child is being bullied, but notified if your child is the one who's doing the bullying.

Would you not want to be notified? And wouldn't it be important for that to happen?

NYSED COMMISSIONER ROSA: Absolutely.

And I think part of what we're doing -- we have been spending also a great deal of time, I'm sure you're aware, both on the discipline issue. We've done a lot of work over the last 18 months with the Department of Health. CFSS has really been working closely with us in terms of a task

force and some of the recommendations, and we've been -- as a matter of fact, we've done -- we did last month a presentation about some of their recommendations and how we're going to be using this.

But yes, the bullying -- but it's not just -- it's not just being notified about it. It's really how do schools develop -- not just informational, but create the kinds of culture where these actions are addressed. You know, it's one thing to be notified. As a parent, I would go in and say, What is being done, whether it's my kid doing it or if my child is the victim of it --

SENATOR TEDISCO: Being addressed I would think would be notifying the parents. Because --

NYSED COMMISSIONER ROSA: That's the beginning.

SENATOR TEDISCO: Listen, when I was in school -- you're much younger than me -- bullying was a whole different dynamic. It might stop at the school door, the school gate, the school streets; when you got home,

you were okay.

It doesn't work that way anymore. It's on the websites, it's on social media. They can destroy a person's life, a young child's life. And it's happening because -- I got a boy named Jacobe Taras, as I know I told you about the Taras family. They had no idea their son's head was being rammed into lockers, he was being hit and beaten and bullied every single day in school.

Jacobe took his own life, and his parents found out later on he was being bullied. That school was not mandated to tell them what was going on day in and day out.

Now, some schools do. Yeah, they do a good job, notify parents, want to bring you in, notify the parents of the child doing the bullying. But why isn't that holistic, that if you're going to tell a bureaucrat at the State Education Department, you're not telling a parent, when we're telling the parents: Be involved in your child's school system, come in and speak to the teachers.

But don't require them to know that -- I mean, anybody in this room, I would ask you to raise your hand if you would not know that your child is being bullied in school. I don't -- when we passed this in the New York State Senate, which it passed almost unanimously, I asked that same question. Nobody raised their hand. Everybody would want to know and take part in the decision-making.

I don't understand why that can't exist right now. I understand you want to make a better setting, you want to stop the bullying that takes place. But to make that happen, I think parents and the school system have an obligation to be part of the team that does that.

NYSED COMMISSIONER ROSA: Absolutely.

Yeah, we work with our school districts. Remember, you know, one of the things that is misunderstood a lot of times is the local control. And many decisions at the local control are made -- you have school boards, you have a superintendent, you have

school policies, you -- they develop their plans.

We do a lot -- a great deal of work, whether it's through culturally responsive, whether it's through using many of our workshops, in trying to encourage parents, not only -- not just parents, but our schools, not only to inform but, you know, look at the signs. We've developed surveys, we've developed guiding documents that are on our website. Make sure that the signs that you are seeing are signs that you're utilizing to address those issues.

And we have ongoing conversations with our superintendents to do this good work.

SENATOR TEDISCO: Thank you, Commissioner.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Slater, the ranker on Libraries, for five minutes.

ASSEMBLYMAN SLATER: Good morning, Commissioner. Thank you for joining us

today.

I do -- I'm a father with two small children, one in elementary school and one soon to be. But as the ranker on the Library Committee, I'll be focused on that subject matter this morning.

In December there was an Assembly hearing regarding libraries, and obviously the issue of the outdated facilities that many of our libraries currently have were brought up. And it was stated that there was a need of over a billion dollars. And I can tell you that back in my hometown, our library, which I believe is one of the best in the region, is in a facility that dates back to the Civil War.

And so when I see the Governor propose cutting construction aid to libraries, I get very, very concerned. I'm wondering if you can just expand on your viewpoint on this topic and how this is going to impact SED's ability in fostering greater accessibility to these important educational and cultural hubs.

NYSED COMMISSIONER ROSA: Well, I think you saw the Regents are so committed to this issue. Our cultural group talks about this constantly. The libraries are fundamental, they're key, as you know. And you heard me share before, we keep advancing the issue of investment. You have to invest in this area, both infrastructure, building. As we know, you have to have the upkeep.

Building infrastructure, equipment, they have to stay current. When children go the library, you really want not only a welcoming place but a place that really, truly expands the learning process. This is a platform that we all believe in as an extension of our schooling. It is not -- you know, it is not outside up, it is a connector, it is an extension of the very issue of learning.

For our department, learning is the core. And if learning is the core, museums, libraries, all these external opportunities are very much a part of the fabric. And you say, I think, we had expanded -- I think it

was 45 we had asked.

NYSED CFO MORRIS: Mm-hmm. Yes.

NYSED COMMISSIONER ROSA: And instead, we went in the other direction.

ASSEMBLYMAN SLATER: Right.

NYSED COMMISSIONER ROSA: So I'm hoping that there's advocacy around this issue. And not only advocacy on behalf of our children, but on behalf of our adults, who also use them, and our senior citizens and our community. It is a hub in our --

ASSEMBLYMAN SLATER: My other concern, obviously, is the impact on construction costs of inflation. So if we're decreasing the amount of money that's going to -- and obviously modernizing and enhancing these facilities, how are we going to make up that shortfall? I don't know if you have any thoughts on how we might be able to achieve that.

NYSED COMMISSIONER ROSA: Well, we're -- we're not. It's going to be very, very difficult.

You know, I have to say -- and I know

I sit here and say -- you know, we talk about all of the money that we invest. Well, think about all the money that we invest in incarceration. Think about all the money that we invest in other things other than the foundational early start, early learning, building on that. And yes, does it cost money? Absolutely. But at the end of the day, if we're not preventive, we're going to be reacting.

ASSEMBLYMAN SLATER: Right.

NYSED COMMISSIONER ROSA: And so libraries are very much a part of this formula. So thank you for bringing that up.

ASSEMBLYMAN SLATER: Absolutely. And if I could, with my remaining time, I just want to pivot to NOVEL. The Assembly Libraries Committee -- again, going back to that December hearing -- heard from New York City school librarians that it's a critical resource for public school students and that it should be expanded. I'm just curious if you have plans to maintain access to the database and expand it beyond its current

capacity.

NYSED COMMISSIONER ROSA: Yes. Yes. Go ahead.

EX. DEP. CMMR. CATES-WILLIAMS: So as you know, NOVEL is funded by a federal grant, grant dollars to the State Library, and this federal funding has been increased at a rate. But the department advanced a priority budget request this year to increase the current fee for the cultural fund account, and this fee would increase and hopefully stabilize and give us the ability to keep those databases in place.

ASSEMBLYMAN SLATER: And expand.

EX. DEP. CMMR. CATES-WILLIAMS: And expand, yes.

ASSEMBLYMAN SLATER: Great. Thank you very much. Appreciate your time here today.

EX. DEP. CMMR. CATES-WILLIAMS: No problem.

CHAIRWOMAN WEINSTEIN: We've been -- thank you. We've been joined by Assemblywoman Seawright.

Now to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Robert Jackson.

SENATOR JACKSON: Good morning. Commissioner, how are you?

NYSED COMMISSIONER ROSA: Good.

SENATOR JACKSON: Good to see you and all of your team.

So first I wanted to thank you for mentioning about the $1 million for upgrading the Foundation Aid formula and explaining -- or not about that, but the process when money is allocated in the budget. As you indicated, you have to go through the washing machine and dryer and come back out, and you hang it up, and still it takes so long, and people don't understand that.

And so we collectively, the State of New York, have to do a better job in moving that process around. So I wanted to thank you for explaining that.

But also I wanted to talk about the implications of the Governor's proposal of eliminating the regional caps and basically opening the door for over possibly a hundred

charter schools coming to New York City. And understanding the law that has been in place since Bloomberg and former Governor Andrew Cuomo were in place, that a charter school can then expand, and that can mean up to 300 charters.

What type of impact, in your opinion as a professional that had worked in the New York City school system many years ago, and as the commissioner, what impact would that have on New York City as far as reducing class size and as far as the budgetary process goes?

NYSED COMMISSIONER ROSA: Okay, so let me start with the notion that this -- our state has two systems in place: SUNY and our Regents, our board.

We have -- and Phyllis will correct me if I'm wrong, I think we have approved about 97 charters, versus 271. Don't hold me to that number, but I think that's -- there are about 19 -- and I know some people reported 23, but there are 19 zombies that have been closed. We receive zero dollars to support

our process in the charter -- in our charter space. I think the Governor has four-point -- I want to say 4.8 million that's given to the SUNY Institute. So we have to do with whatever.

Now, having said that, we are looking at what was proposed. To a great extent I'm not even sure what the thinking is, given the student reduction in New York City. My understanding -- and again, this is limited research. I don't have all the details. But the limited research we have, we're not sure because I think even with two charters that -- we still have like 12 charters that haven't even opened. Those are just from our internal conversations.

So again, I would ask the Governor's staff to help understand what the thinking is with this expansion.

SENATOR JACKSON: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We've been joined by Assemblyman Kim, and we go to

Assemblywoman Buttenschon for three minutes. Marianne?

(Inaudible discussion off the record.)

ASSEMBLYWOMAN BUTTENSCHON: Thank you.

NYSED COMMISSIONER ROSA: Utica!

ASSEMBLYWOMAN BUTTENSCHON: Yes.

Thank you so much to you and your team for being here today.

I just have a few questions, so I'll provide them. I'm from the Mohawk Valley, as you stated. We have a lot of advanced manufacturing, and the concern with the P-TECH is very concerning to us. So clearly you discussed that, and just to reconfirm the importance of that.

I also have heard from many regarding class size. And I know my colleague talked about the class size in his area. The request was to have a regional approach to looking at class sizes. For example, as we face the challenges for K-3, we're seeing that those class sizes are at 30. And clearly that is not something that is conducive to the Mohawk Valley.

And finally, you address in your testimony that your IT is facing a crisis, and the discussion about moving some of that credentialing to the DOH when one is in a crisis sounds like it would work on a temporary basis. My office receives numerous calls in regards to the credentialing and the inability for that process to move forward as we're trying to determine how we can keep our faculty within the primary and secondary education moving right into streamlining as quick as possible. And that program is -- teaches -- seems to be that lack of responsiveness that you had addressed earlier.

So my question with that is you have $2.6 million allocated for new positions. Does that include the software upgrades? Or will there need to be additional funding?

NYSED COMMISSIONER ROSA: So let me start; you have a lot of questions in different buckets.

I'm going to start by -- you made the comment about yes, our infrastructure -- and

I did speak to that -- needs work. We continue to do our work. That does not mean -- because we obviously have OP funding that -- our own money. We're funding our own -- using our own fees to upgrade our own OP. Your question was about moving it. We haven't even done a feasibility. So just -- just -- I'm not so sure that -- I shouldn't say I'm not so sure. I am sure that moving staffing and responsibilities and issues on a given month -- and the Board of Regents -- we can have as many as 45 months. So there's a complexity around that issue that just moving one issue is really -- and I've already said to even the new -- I spoke briefly to the staff that's involved with the new Commissioner McDonald and said we're willing to meet, we want to take a look, we want to make things better, but not -- movement is not something I can support.

ASSEMBLYWOMAN BUTTENSCHON: Thank you.

NYSED COMMISSIONER ROSA: And I know you have a series of questions --

ASSEMBLYWOMAN BUTTENSCHON: We'll talk

later.

NYSED COMMISSIONER ROSA: -- that I should review. We're willing to meet and take each of those questions and help, you know, the situation so that we mutually understand what we go through in terms of our process. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Murray, ranker, for five minutes.

SENATOR MURRAY: Thank you very much.

And thank you for being here.

As the ranker on Libraries, I was going to ask about the library funding, but my Assembly colleagues, Assemblywoman Woerner and Assemblyman Slater, did a great job with that. So I'm going to shift gears a little to something else near and dear to my heart, and that is BOCES and CTE programs.

And in your written testimony here, under the College and Career Pathways, there's a line that says "Programs that

successfully prepare students for college, careers and civic life remain a priority of the Regents and the department." I want to thank you so much for saying "and" instead of "or." There's a stigma out there that -- and many of my colleagues unwittingly perpetuate the stigma when they voice their support for CTE or BOCES by saying, you know, not all kids are going to go to college, so we have to have alternatives like BOCES and CTE. Well, it's not an alternative. It can be both. So programs like the one you're proposing -- well, first we have P-TECH and ECHS. But you're proposing the college credit and career opportunity program. Can you tell us a little more about that? And do you think that will address that stigma?

NYSED COMMISSIONER ROSA: Okay. So I am so grateful that -- I have been saying "and." How many, even yesterday -- we had two students present during our presentation with the grad measure, and it's really about "and." If I decide to go to college, I -- the skills that they talked about were skills

that you're going to use in college and whatever.

But I'm going to let the expert, who's done this work here in our own backyard, to do the "and," not the "or."

SR. DEP. COMMISSIONER BALDWIN: So there are a couple of components of this. The Board of Regents have adopted a goal that by 2030 any student who wishes to have access to a career-type ed program, a career/tech ed high school program, will have that access. That is currently not the case in this state.

Two components of it. One is to significantly increase the aid that is provided to school districts when they send their students to a BOCES program or, for the Big 5, when they provide career and technical education to their students. That is one component.

The other component relates to P-TECH and the Early College High School program. What we have found, based upon a survey that was requested by the Legislature and the Governor, is that with respect to the P-TECH

programs, there are mixed results, there are some significant attrition issues, especially in Year 4. What we have proposed is that the funding for Early College High School and P-TECH be combined and that we allow school districts and BOCES, working with businesses in their regions, to propose programs that reflect the needs of that region, rather than separating this arbitrarily.

There are P-TECH programs that are highly successful. There are many that are financially struggling. Again, the way in which we have structured these programs leads to some of that financial struggle.

So that is, in summary, how we see fulfilling that goal that we dramatically expand access to career technical education.

I was a district superintendent of a BOCES. I had -- in excess of 40 percent of our students in our career/tech ed programs, had IEPs. The graduation rate for those students far exceeded what it would be in a traditional program.

We have a regional technical high

school, Tech Valley High School. Every student graduates from Tech Valley High School.

SENATOR MURRAY: That's great.

And I like that plan. But I want to address this too. The problem with instructors right now at BOCES or CTE, there's a limit, a cap on how much --

NYSED COMMISSIONER ROSA: Yes.

SENATOR MURRAY: And it's been that way for, what, 30 years? We've -- can you speak to keeping some of these quality instructors when we have that cap.

NYSED COMMISSIONER ROSA: Right. And it's not just a cap, but every single program we've looked at, kids tell you they want -- they're so much more successful in college as a result of having -- you know why? Because at the end of the day -- all of us talk about the standards. These are applied standards. The kids feel it. They touch it. They know it. They can measure it.

The standards are good, but these are opportunities to do projects, to put your

hands in it, understand it conceptually by experiencing it. There is no -- there's nothing more successful than kids really fully getting that "aha" moment because you've taken the standards and you've applied them. That's what that does.

SENATOR MURRAY: Thank you for your focus on this. I appreciate it. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Jensen.

ASSEMBLYMAN JENSEN: Thank you very much, Madam Chair.

I just want to circle back to something Ranking Member Slater said in regards to NOVEL and confirm there are no plans by SED to eliminate this database moving forward, there's no announcements planned to announce its elimination. Is that correct?

EX. DEP. CMMR. CATES-WILLIAMS: Well, there is a funding issue, so it's --

ASSEMBLYMAN JENSEN: So if the money goes through in the budget, then that will cancel any existing plans that you have to

eliminate this critical database?

EX. DEP. CMMR. CATES-WILLIAMS: That is correct. Yes.

ASSEMBLYMAN JENSEN: Okay. Thank you.

Pivoting to special education, we've heard from -- in my community and across the state that there's an Early Intervention services gap. And what is the correlation that SED is seeing between the lack of access for Early Intervention services and then the ability of students to access and see success in special education classes and services?

NYSED COMMISSIONER ROSA: So we -- in the information we gave you, clearly we are big supporters of trying to create inclusive programs early on. I mean, ideally I think we said something like 2035, we'd love to see that with the 3-year-olds, right?

Because, again, building that foundation we know is critical. Identification, whether it's kids who have dyslexia, kids that really are having challenges -- and if we can address them, the earlier we can address them, the -- we can

develop not an IEP down the road, but we can develop through play therapy -- you know, the experiences that they have -- we can develop the opportunities to really create opportunities for adjustment, whether it's schooling, whether it's, you know, some of the things that children need to experience as a result of their disabilities, whatever the disability is.

I truly believe that the early investments is critical, because we really have to capture them at that point. And many of the early childhood programs have, as I've already said, all of these funding issues that really don't allow the programmatic part, which is what you're talking about, to allow us to develop and respond to the strategies, the programmatic designs.

ASSEMBLYMAN JENSEN: So, Commissioner, I don't want chairwoman Weinstein to throw a gavel at me, so just quickly --

NYSED COMMISSIONER ROSA: Oh, I'm sorry.

(Laughter.)

ASSEMBLYMAN JENSEN: -- quickly, is there sufficient oversight from SED onto the schools to ensure that the screening, when a child enters the public education system, for those IEPs is sufficient enough? Because I've heard from my community that for screening for things like dyslexia, there is not a sufficient or standardized screening process.

NYSED COMMISSIONER ROSA: Right. Well, what happens is in -- obviously in special -- my background is special education. So in special ed there are very specific laws, right, of, you know, placement, identification and placement. If it doesn't fall into -- and we can talk about it.

ASSEMBLYMAN JENSEN: Okay, thank you.

NYSED COMMISSIONER ROSA: But I'm more than glad to bring my special ed team and talk about those very specific -- because these are issues that we may want to address differently as a result of placement, identification process, CSE and all that

stuff.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Senator Hoylman.

SENATOR HOYLMAN-SIGAL: Thank you.

Good to see you, Commissioner, and your team.

I wanted to talk about book bannings. You know, across the country there's been an attack on public school libraries. States like Florida, North Dakota are banning books more and more publicly than we've seen in quite a long time. And I think that most people in this room and certainly most of my constituents would agree that New York has to take a stand against these dangerous book bannings and defend the right for students to read what they want to read.

There's a book called Gender Queer: A Memoir -- an award-winning book, by the way, by Maia Kobabe -- which has been banned in school libraries from Long Island to the Hudson Valley. My question is, do we know how many books have been banned in New York State by public school libraries?

NYSED COMMISSIONER ROSA: I'm looking at the person who oversees that.

We can get back to you on that. I'm not sure. I do know that there's a movement in different communities. And it's not universal, I will tell you that. Depending on the community, you do see some -- whether it's parents getting involved with the librarians and the school board and the --

SENATOR HOYLMAN-SIGAL: Well, I would urge you -- thank you. I would urge you to keep a census of the books that have been banned and publish that information for the public and for public officials to know.

Secondly, is there a criteria at the state level for the banning of a book in New York public school libraries?

NYSED COMMISSIONER ROSA: We do not as a state.

I will tell you this. We have absolutely not supported any issue that is specific to, you know, book -- I mean, we have not -- we have not had any conversations about banning books at all.

We have seen it, as I shared with you, at the local level. So -- but I will go back to our state librarian and get you the numbers. I -- I do not believe that we have a list of books that -- from the state --

SENATOR HOYLMAN-SIGAL: My second question, in the last 30 seconds: Are you considering, as Mayor Adams and Chancellor Banks have said, to screen students with -- for dyslexia at the K through third-grade level? In my remaining minutes, I'll tell you I have a daughter, she's 12. She's dyslexic. We did not learn she was dyslexic until she was in the fourth grade. Frankly, that was five years too late.

There's a screener, one that is -- has been put forth by the eminent researcher Sally Shaywitz which costs $1.25 per student to administer and takes less than five minutes. Any intention or plan to screen students for dyslexia across the State of New York?

NYSED COMMISSIONER ROSA: Again, that's a -- that's a CSE issue.

But I will tell you, we have had several meetings on this issue with experts on dyslexia, and we've had many of your colleagues join us during those meetings. And my two godchildren were identified early, and both of them are in phenomenal colleges at this point because it was addressed early.

SENATOR HOYLMAN-SIGAL: Well, that's inspiring. I'd love to work with you on that. Thank you so much.

NYSED COMMISSIONER ROSA: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you, Commissioner, Senator.

We go to Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you, Chair.

Thank you, Commissioner. Nice to see you. Thank you for all your great work.

I have three topics. I'll sort of hit them quickly at the beginning, and you can fit in them what you can.

Number one, digital inclusion. In 2021, SED did a great job of having a series of webinars about digital inclusion not just in the schools but more broadly. And you're

doing great programs through the State Library system. So the question is, are you looking to -- for additional funds to do that work? But also, what are you hearing from school districts about digital inclusion gaps for their students?

The other two topics, very briefly: Special Act school districts. How -- what kind of access do you have with the financial information of these Special Act school districts that are in jeopardy? And don't we need a separate funding stream, not through the school districts but direct aid from the state, to deal with the financial stability of those schools?

Topic number three, mental health. I would suggest we do mental health funding not through a grant program but through a direct funding stream, experience-based aid.

Good luck with my remaining time, but thank you.

(Laughter.)

NYSED COMMISSIONER ROSA: Yeah, we're going to -- whatever we can't get to, we

promise you -- and you know you always reach out to us for specific questions and dialogue. So whatever we can't get to, we'll set up a meeting.

Okay, we'll start with libraries.

EX. DEP. CMMR. CATES-WILLIAMS: So to your first question about digital inclusion, the answer is yes, we would love to.

NYSED COMMISSIONER ROSA: Okay. Phyllis, number two?

NYSED CFO MORRIS: On Special Acts, so we have long advocated, the Regents and the department, for funding for tuition rate-setting reform. There is funding in the Executive Budget, a $2.5 million appropriation, which is the amount that we asked for, and that would include funding for the Special Acts in that rate methodology review, because that's how Special Acts are currently funded.

But the challenge with the language in the budget is that it would severely constrain our ability to come up with a methodology that actually would be responsive

to provider needs, particularly for the Special Acts that have unique challenges with having to meet public school requirements while also being funded through the tuition rate-setting methodology.

ASSEMBLYMAN OTIS: I just can suggest on that, one of the problems is these schools have different levels of financial insecurity, and there needs to be a way to assess that so we know how we can then get direct funds to remedy that.

NYSED COMMISSIONER ROSA: And that's to the formula. Specifically, in looking at the formula, what Phyllis was talking about -- and I'll just mention one example. You know, when you have a cost-neutral issue, that's a problem. Right?

But to your point, we are -- you know, as I shared earlier, we're sending kids out, costing -- we have a cost analysis we'll give you as well, of what it costs when we send kids out versus trying to create programs within. But we do have what I call Exhibit A to share with you.

ASSEMBLYMAN OTIS: Great. We'll catch up on mental health at another time.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Weik.

SENATOR WEIK: Thank you. Good morning.

NYSED COMMISSIONER ROSA: Good morning.

SENATOR WEIK: Thank you so much for being here and for all the information that you've given us today. I'm so glad to hear that my concerns have been kind of already brought up, and that's literacy.

So one of the things I hear throughout my district all the time are what are we doing to make sure that our students can read, and reading comprehension. I can quote statistics from the National Center of Education Statistics that tell us that in New York State our reading comprehension, our literacy skills, have declined in this

century.

And we can look at statistics that say that dyslexia affects 20 percent of the population, representing 80 to 90 percent of all of those with learning disabilities. And that's those who have been diagnosed. Most of our students are struggling through school with an inability to read, and reading comprehension is a big struggle for them. But they haven't been diagnosed with any kind of reading or learning disability, which really puts those students at a disadvantage.

So I'd just like to know -- you know, I'm looking at some of these statistics and I'm trying to be sensitive to time, because I'd really like to know, what can we do? We're looking at some of our neighboring states, Massachusetts, New Jersey. Their scores are higher than ours, and they've remained there. But New York State seems to see a steady decline in this century. Which is troubling, with all of the abilities that we have.

What can we do to make sure that our

students, one, are learning to read, and that they have good reading comprehension skills? Because as we develop STEM and technology and so on, if you can't read and you have a lack of the ability to -- reading comprehension, you're not going to be able to excel at any of these.

NYSED COMMISSIONER ROSA: Well, I'm going to add, too, one other element that we haven't talked about in this room. We have a larger population than Massachusetts and other places of ELL students. I mean, we are a hub for many of our English language students. But that's another sign.

Also, I will tell you -- again, there are districts that do a better job. And when I say district, as well as the state -- so we all have to be in this together -- do a better job in terms of early identification. And that's why we're pushing this early childhood situation. And it's not just dyslexia, that's one major -- but it's also some of the other learning blocks. And also leaning on the issue of brain research. We

really have to really have an opportunity to take stock of how that informs the way students learn.

SENATOR WEIK: I know. So I have three children who have been in school and, you know, have graduated and moved on. And so, you know, when they -- there's really no opportunity for them to be screened. And if they are screened, the schools tend to push them off and push them back into the classroom without offering them services.

How can we remedy that?

NYSED COMMISSIONER ROSA: Well, that's the whole situation with the prevention, rather than having to be identified in order to receive services.

So we really have to do a much better job in terms of our dollars, looking at the prevention side of identification screening, early screening, identification of responsibilities and responding to the needs.

More than glad to continue this conversation.

SENATOR WEIK: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblyman Pirozzolo.

ASSEMBLYMAN PIROZZOLO: Good morning, Commissioner.

I remember being quite happy when you first became commissioner, and I'll let you know if that happiness still exists today. But the level of frustration that I had back then and I have now is probably even more so. And I'm happy to be a member of the Assembly so that we can possibly work on these issues. So thank you for the long haul being here.

And I'd like to speak to you today about charter schools, and I'd like to speak to you about them through the eyes that I've gotten as my children and myself have gone through the public education system.

When my children first became eligible to go to public school, I wound up becoming the president of Community Education Council, of CEC 31, Staten Island. And I will tell you that there probably was no more of a stronger opponent of charter schools than I

was. But being the CEC president and having my children go to schools in areas where you might be surprised where my children went to school, I got to see firsthand some of the difficulties that our schools have. But not only on Staten Island, but when we go to different areas of New York City. We have schools where 95 percent of our students don't read, don't write, can't do math at grade level. And that's the statistic before COVID. I'd hate to see what it is after COVID.

I came to see that charter schools actually save lives. They take these students who only have the option of going to a school where 95 percent of them cannot meet the state standard -- which is a whole different subject, right?

So if charter schools save lives, and if they are public schools, and our New York City public schools grow as communities come in -- if a building becomes available, we open a school; we do it as needed -- why can we not open a public charter school as

needed? Why is there this cap? You know, charter schools do save lives, especially of the communities who have failed the most -- our minority communities, our immigrant communities, communities of color, of poor economic status and of unfortunately the wrong zip code.

NYSED COMMISSIONER ROSA: So let me start by saying that -- I'm sorry. Obviously this is a debate. There is a law in place in terms of a cap. You know, I mean, that's the law. I push back on the lawmakers, right? That's a law.

But even beyond that, let me just say in terms of charter schools, just like public schools, there are amazing charter schools and there are charter schools that we've had to close. Structurally there are some key issues -- you use the term "public." You know, it's public schools -- I mean, they're run, in many cases -- some of them, not all of them, are run like private schools. So you have to be honest also and look at this issue across the board.

I have many kids who come back into the public school system as a result of not being able to get the services -- special ed services, English language learner services. But in addition to that, the structure is such that there's a return policy. Public schools don't have return policies.

But let me go one more issue. The issue of charter schools is -- the debate that we're having about charter schools is the issue of having -- making sure that there's transparency, financial transparency. I have no -- I can't get financial transparency.

The other issue with charter schools as well is that we really have to make sure that their numbers of special needs and ELL students and others look the same as the neighborhood. You know? And I do have to say the one -- the one issue, and this is the issue that I always think about, I look for charter schools in communities other than color. And I always say if it's good enough for communities -- if it's such a wonderful

experiment, then let me see it in places that embrace it other than communities of color.

And I will tell you, the amount of charter schools that are focused on communities of color is huge. But I've yet to see it in some of the places that you and I would probably say if it's such a great experiment, show it to me and why aren't other people embracing it. Good things are embraced by everybody, not just some.

CHAIRWOMAN WEINSTEIN: Thank you. thank you, Commissioner.

We go to the Senate now.

CHAIRWOMAN KRUEGER: Thank you.

Senator Martinez.

SENATOR MARTINEZ: Good morning. Right here (waving).

I just wanted to follow up on the bullying question. (Waving.) Hello.

NYSED COMMISSIONER ROSA: Sorry --

(Laughter; inaudible overtalk.)

SENATOR MARTINEZ: -- that a colleague of mine mentioned before.

As a former educator myself and a

coordinator of DASA, I would like to have more information on what is actually taking place after the schools are reporting any type of intimidation, discrimination, bullying, and so forth.

And the reason I also bring this up after my colleague did is because I recently met with a parent whose daughter took her life because of bullying. And many complaints were put in, many forms were submitted, but when they actually looked at the DASA reporting, the reporting seemed as if it was flawed. And obviously we don't want our schools to be afraid to report, because they may feel that they're being targeted.

What are we doing once those reports get to the department? How are we helping our schools to make sure that they have the proper resources to assist the building itself with our students who are going through this tough time within the schools?

SR. DEP. COMMISSIONER BALDWIN: We have an office within the State Education

Department that focuses on these issues. That office provides training opportunities, technical assistance and other resources to schools that are dealing with student behavior issues.

SENATOR MARTINEZ: Are you --

SR. DEP. COMMISSIONER BALDWIN: I would also point out that the Regents' policy on diversity, equity and inclusion, our culturally responsive and sustaining education framework, also relate to the cultural issues that we find in schools.

You know, part of what we are trying to do with these policies, with this framework is to create environments of mutual respect. And unfortunately in our society we all know that respect is not always mutual. What we are trying to do and what we're doing with our school districts is providing them with resources and with information that they can use to foster those communities of respect within our school buildings, within our high schools.

SENATOR MARTINEZ: But what are you

doing with the forms when they're being submitted? Are you reviewing them --

SR. DEP. COMMISSIONER BALDWIN: The forms -- the data is compiled and the data informs decision-making. We just had a committee that looked at school safety, school discipline issues. The data has been collected over those years was part of what was considered as that committee went about its work and made its recommendations.

SENATOR MARTINEZ: And do you look at the suspension rate versus what is being put into these forms? Because usually when you're suspending a child, unfortunately, it's based on something that took place.

SR. DEP. COMMISSIONER BALDWIN: We clearly looked at suspension rates. And one of the things we have found is that the use of suspension is disproportionate, and that that has not changed over an extended period of time here in New York State.

CHAIRWOMAN KRUEGER: Thank -- I'm sorry, we're going to cut that off.

Thank you. Assembly.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblywoman Mary Beth Walsh, three minutes.

ASSEMBLYWOMAN WALSH: Thank you very much.

Good morning, and thank you for being here. My questions are going to center around the idea of the teacher shortage and what could be done. Two parts, if we could get to it.

Last year's Executive Budget proposal included provisions to allow individuals to obtain a temporary professional permit if they were in the process of obtaining a full certification from your department. Do you believe that this proposal should be revisited to alleviate the current -- or help to alleviate the current shortage?

SR. DEP. COMMISSIONER BALDWIN: No. We opposed that provision last year because we felt that it would create more difficulties than it would address.

And I also want to talk a bit about what we've done in terms of the certification

process. We have undertaken a review of the teacher certification process. We have made a significant number of adjustments in terms of the requirements for teacher certification. There is a very long list of items that have been submitted to the Board of Regents, and the Board of Regents has, without exception, approved those reforms to the teacher certification system.

ASSEMBLYWOMAN WALSH: And those are designed to streamline the process to make it faster?

SR. DEP. COMMISSIONER BALDWIN: Yes.

In addition to that, we did receive an appropriation of 1.3 million, I think it was, last year. We have used that appropriation to invest in a new call system in the Office of Teaching Initiatives. We have also purchased and are in the process of implementing a sort of customer management system that will make that more efficient.

The remaining components of this really relate to the systems work that needs to be done by our IT shop. And that is when

the commissioner talked about the result of disinvestment over many years in the technology of the department, the improvements that we're looking to make in the Office of Teacher Certification is dependent upon us having those IT resources available when that project is undertaken.

ASSEMBLYWOMAN WALSH: Thank you.

So do you believe, then, that we have plenty of teachers in the pipeline ready to work or -- do we just have IT and technological problems, then?

SR. DEP. COMMISSIONER BALDWIN: No. I don't -- I don't think we have -- the evidence indicates, when we look at enrollment in teacher prep programs, enrollment has declined in teacher prep programs.

So the other thing we did with our P-TECH, we had proposed in our RFP for P-TECH that we create P-TEACH program. The Division of Budget and the Executive Chamber refused to have that included in that Early College High School P-TECH proposal and RFP current

year.

Going forward, we are advancing a departmental bill that addresses P-TECH and early college high school to create that college and career readiness program. And in that departmental bill is -- it provides for a P-TEACH program.

Because we know, based upon our conversations with teachers, there are many students at the high school level who may have an interest in teaching. We need to be able to engage them in programs that develop and cultivate that interest on an articulated pathway.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Next is Senator Oberacker.

SENATOR OBERACKER: Thank you, Madam Chair.

And good morning, everyone. Commissioner, it's great to see you in person as opposed to a Zoom meeting.

We know that New York State is

experiencing a teacher shortage. I represent the 51st Senate District, spanning seven counties and nearly 70 school districts within my district. There are challenges for the rural districts that I don't think are unique to some of the urban areas.

So my question is, does data exist to show which schools are most in need as far as that, and are we -- or do we have numbers detailing specific trouble spots in that retention?

NYSED COMMISSIONER ROSA: So let me start by saying even -- you know, whether it's meeting with a rural, you know -- we meet with superintendents, we meet with stakeholders. This issue of teacher pipeline issues has been around for a while. This is -- but obviously the pandemic exacerbated it.

We continue to look at how to grow your own, how to develop opportunities of even paraprofessionals and different ways of growing individuals into the profession, as Jim talked about, different mechanisms.

We've talked about relaxing many of the rules so that we -- you know, teachers are not also spending a lot of money to go to college to get additional, you know, certifications and degrees and all of the above, because that's also hurting the system as well.

Flexibility, if you're a teacher doing student teaching, if you student teach two days, you could work the other two or three days so you've got some income.

So we've gotten very creative around this, but we've gotten creative because of our conversations with our stakeholders and our partners and the people both in rural and other urban, suburban settings that are doing this work. We are --

SENATOR OBERACKER: Perfect.

NYSED COMMISSIONER ROSA: We are co-initiating innovating.

SENATOR OBERACKER: You know, we have the -- I was -- in your testimony the funding for the two grant programs, the 25 million for Teachers of Tomorrow and 2 million for Teacher Mentors -- I can tell you, if you

want to test out a certain district, I'd be more than willing, Commissioner, to have you come into the district and I will make sure that this money gives us a return on our investment.

Thank you for your answers, and thank you for the job that you're doing.

NYSED COMMISSIONER ROSA: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: There we go. Thank you so much.

Good morning.

NYSED COMMISSIONER ROSA: Good morning.

ASSEMBLYWOMAN SIMON: I'm going to ask a -- kind of focus on reading, and I notice that in the Executive Budget there's really no proposal to do anything about that. And as we know, reading is fundamental. And the brain science has been telling us that the basis that's been assumed for the curriculum commonly used in New York is built on a faulty premise, which is that kids will sort

of just learn.

But we need explicit sequential language-based instruction in reading for all children. And as you know, working -- I'm working with a different higher ed prep issue, but last year there was a bill that was vetoed because there was no money assigned to it but it would have eventually required extensive professional development.

So I'm wondering if you can tell us how much it would cost to give professional development to all of our K-3 teachers -- not that they're the only ones who need it -- but let's say K-3 teachers, and not only being exposed to but becoming sufficiently skilled in teaching reading consistent with the brain science.

NYSED COMMISSIONER ROSA: Well, we just had this whole conversation on dyslexia, brains, and it's exactly because I asked.

We have been, as you know, in all kinds of conversations, but it isn't just about professional development, which gives them the strategies, but it's also the

screening. So you've got to have the assessment, the screening part of it, you have to have strategies in place. But the strategies have to match for that as to professional development.

We have got to train, both at the higher ed level, as you know, and at the local level, train our teachers not only in terms of brain research, which we talked about earlier, but also using these strategies that we know work for our students. And you and I had the conversation that it not only works for the English language learners as well, but so you have for special needs students in general, you have for gen ed students, and you also have for English language learners.

So we are very committed in terms of the dyslexia, brain research, the work that's been done. We as a department are extremely committed to using those strategies, to using that as a way of leveraging the investments in this --

ASSEMBLYWOMAN SIMON: I would just

suggest that while that's absolutely correct, I'm concern that because of a focus on dyslexia, people will say, well, it's only those people. And I think what we need to do is say it's about reading, and it's about instructing students so that there's a language base, it's sequential, it's explicit, it's structured.

NYSED COMMISSIONER ROSA: Good strategies in general.

ASSEMBLYWOMAN SIMON: Right, exactly. Thank you.

CHAIRWOMAN WEINSTEIN: Senate.

ASSEMBLYWOMAN SIMON: But we need to know how much it will cost.

NYSED COMMISSIONER ROSA: I'm sorry? We will get back to you on that. Because as you know, we did meet about the costs, but we're not there yet. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you. Senate?

CHAIRWOMAN KRUEGER: Thank you. Senator Stec.

SENATOR STEC: Good morning. Thank

you very much. Commissioner, good to see you.

As you know, I represent a big part of the North Country, big district, little bit more difficult for a legislator to get around, and correspondingly bigger for school buses to run around and pick up kids. Less efficient than certainly downstate. So the busing is a different issue up where I live than certainly most of my colleagues on the Island or downstate.

With that said, the state has mandated in last year's budget that all new buses purchased in 2027 must be zero-emission, so schools are starting to look at this. estimates are between an eight and $15 billion cost to the taxpayer, with only $800 million available from state and federal resources. So 90 percent of the cost of this bus mandate will fall to the local taxpayer.

Schools are starting to look at this, and they're being told by electric providers that the grid cannot handle this mandate. So that's not really a question for you, that's

a question for the Environmental Committee, I guess. But my concern is this mandate and the cost to the taxpayers for something that's going to be very expensive and may not work.

What are your thoughts on that? Is the Second Floor aware of this? And is there any chance of rethinking or revisiting this decision? The state is not the same: Just last week, 20 below zero in the North Country, and the kids still went to school. Electric buses behave very differently when it's 20 below than they do when it's zero degrees on Long Island.

NYSED COMMISSIONER ROSA: So a couple of quick things.

You have -- you know, you have raised an issue that we've been in conversation, deeply in conversation with Christina Coughlin's team. We were at the Rural Conference, it came up. It came up because of the cost as well. It came up because of the electrical issues. It came up because of the grid. It came up because, you know, the

distances that the buses -- I mean, this is a massive investment.

And we are late to the party because if -- whether it's bonds or whether -- it's really creating a plan for districts to get ready for this. It's a major, major issue.

So we are more than glad to have a conversation, because internally this is one of the issues that's keeping us up at night, to know that we're asking districts to -- you know, you're talking about three times as much. And it's a good investment in terms of, you know, ultimately some people -- again, this is a debate. Some people believe it's -- you know, in terms of our environment and everything, not everybody is on that debate as well.

So you're convincing communities that are struggling to begin with to make this investment. You're also going out there trying to convince communities -- why do we need this change? Why is it costing three times as much? How do we know it's going to work? You know, where's the pilot? You

know, where's the funding going to come from?

Anyway, I would say please join us at our next conversation, because this is --

CHAIRWOMAN KRUEGER: I'm sorry --

SR. DEP. COMMISSIONER BALDWIN: I would also like to point out the department requested an appropriation --

CHAIRWOMAN KRUEGER: No, I'm sorry --

(Overtalk, shushing.)

SR. DEP. COMMISSIONER BALDWIN: -- to support local planning, and it was not in the Executive Budget.

NYSED COMMISSIONER ROSA: That's correct.

CHAIRWOMAN KRUEGER: We're losing control.

SENATOR STEC: I hope my colleagues were paying attention to the answer.

CHAIRWOMAN KRUEGER: All right, Senator Stec, thank you.

SENATOR STEC: Thank you very much, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: We go to

Assemblyman Conrad.

(Off the record.)

ASSEMBLYMAN CONRAD: Is that on?

Hi, Commissioner. Nice to see you again. And thank you, Chairs.

I also want to echo I guess the frustration that -- not just from a rural position, but a suburban -- about the infrastructure costs and issues on transportation. But my colleague already raised that, so I'm going to shift gears.

How long has it been since we changed or updated the K-12 health learning standards? I think you mentioned it earlier.

NYSED COMMISSIONER ROSA: Twenty years.

ASSEMBLYMAN CONRAD: Twenty years. Because I was looking at a copy, a colleague dropped it off, it was 1996 the last time we updated it. And I know some of our colleagues have been talking about anti-bullying education, and I think it's included in that standard.

How long has it been -- I know that

the department in the past has hired someone, maybe a specialist inside the curriculum department. How long has it been since we've funded that position to kind of work on that?

NYSED COMMISSIONER ROSA: Twenty years, maybe?

ASSEMBLYMAN CONRAD: Twenty years, okay. So it's been a while. But we're working on that, it's going to be consummate going forward.

NYSED COMMISSIONER ROSA: Yes.

SR. DEP. COMMISSIONER BALDWIN: Well, I think this --

NYSED COMMISSIONER ROSA: We acknowledged that. That's why I made that point about standards.

ASSEMBLYMAN CONRAD: I honed in on that, and I --

NYSED COMMISSIONER ROSA: Thank you.

ASSEMBLYMAN CONRAD: -- just wanted to bring that up.

SR. DEP. COMMISSIONER BALDWIN: I think this points out the disinvestment in the department that has happened over an

extended period of time.

We are responsible for the development of the New York State learning standards which guide education in every public school in this state, and that office is chronically underfunded and the manifestation of that is that it takes us longer to do things than it otherwise would.

ASSEMBLYMAN CONRAD: Appreciate that.

And with my time, just moving on and talking about teacher recruitment, as a former educator myself for 21 years. I saw this advent come at the same time APPR rolled out. Is the SED going to be making any improvements or recommendations for improvements to the APPR? Because we've kind of been changing them over the last two years with COVID. Is there anything that you're suggesting going forward, I think?

NYSED COMMISSIONER ROSA: Sure. And I think some of you may know, we started this conversation -- we have this conversation every year. I have to say APPR starts, in September we go through the whole year

talking about APPR. I think because of what happened last year, last year was APPR and receivership both.

This year we started early and we put together -- and we did share it with our EBC, yeah, I think last week. We put together some critical issues that we gathered from our superintendents -- NYSCOSS, NYSSBA, SAANYS, all of our stakeholders. We put together pretty much an outline of critical principles that should be included that I think we can all agree on.

And we did say the high-stakes issue, as you know, as a former teacher, you know, gets in the way of many of these issues. But at the same time, really coming up with a high-quality way of evaluating our staff, both teachers and principals, is critical. So we are working on it.

ASSEMBLYMAN CONRAD: Thank you.

NYSED COMMISSIONER ROSA: And we're more than glad to share that document with you.

ASSEMBLYMAN CONRAD: I'd appreciate

that.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator Weber.

SENATOR WEBER: Thank you, Madam Speaker. Are we on here? Can you hear me? Okay. Thank you, Madam Speaker.

And thank you for being here and answering our questions.

I just have a few questions. Now that all districts have gone one-to-one with devices, those devices are starting to come -- coming to their end of useful life. You know, the pandemic shed light on the depth of the digital divide in this state, both socioeconomic levels and access in rural areas. Schools worked tirelessly and invested heavily in narrowing that divide.

Now that districts face, you know, older devices for the students, I guess what I'm -- my first question is, how are districts expected to keep up with the one-to-one programs and providing devices after the pandemic relief funds have run out

now?

NYSED COMMISSIONER ROSA: So let me start by saying that we did a survey -- and we can again share that -- where we found where were the pain points in terms of, you know, what various communities had.

Number two, we did ask -- we made a concerted effort to make sure that our funding from the feds, stimulus dollars, were used to do this work in terms of getting equipment. And that's allowable. So this was a good way to target that issue of developing the infrastructure.

But the reason we did that was also not just in terms of the technology, but -- and we do still need a lot of work in the infrastructure issue. We're not -- that's not our end of it, but certainly, as many of you know, that infrastructure issue still has to -- and the connectivity issue.

At the same time, what we are looking at is making sure that our children have that because we are going into, you know, the computer tests process. And we are going

into that next year. So the CBT issue. And many of our districts have been participating already. So we really need those computers to support -- I think we are one of very few states that is -- you know, when we meet with our task, that we're not there yet. And we need to get there.

SENATOR WEBER: Thank you.

And I just had one other question. It's related to UPK. So the allocation of UPK, universal pre-kindergarten, hasn't changed since the program's inception 20 years ago. While there's grants that districts can apply for, there are only an increased number of seats, not for -- right now for the per-pupil allocation.

NYSED CFO MORRIS: So there's $100 million in the Executive Budget that's allocational, and there's a $25 million appropriation that must be competitively awarded. The $25 million appropriation is only for new seats and cannot be used to help districts that need additional funding to sustain their programs.

And the Regents had proposed looking at restructuring the pre-K programs and also, in the interim, as additional funds are added, to level up those programs that are underfunded.

SENATOR WEBER: Okay. Just quick --

CHAIRWOMAN KRUEGER: I'm sorry, your time is up. Thank you.

SENATOR WEBER: Thank you very much.

CHAIRWOMAN WEINSTEIN: Assemblyman Ardila.

ASSEMBLYMAN ARDILA: Can you hear me? Great. How are you?

NYSED COMMISSIONER ROSA: Good.

ASSEMBLYMAN ARDILA: Thank you, Chairwoman.

Commissioner, thank you for -- you and your team for joining us this morning. We really appreciate it.

You know, my team and I, we've been crunching through the numbers from the Governor's budget proposal. And while there are some things that we do find to be meritorious and worthy of applause, there are

some that are a bit disgruntling for us, unsettling.

My understanding -- and I think, you know, my colleague Senator Jackson, he alluded to this -- is the, you know, the construction of over a hundred new charter schools. And I represent Western and Central Queens -- Ridgewood, Long Island City, Sunnyside, Maspeth, Woodside -- where we would imagine a number of those schools would come to the district. And as of now, there's been over $2 billion diverted from public school funding into charter schools.

In your expert opinion, what could public schools have done with those $2 billion if they weren't diverted?

NYSED COMMISSIONER ROSA: Well, I -- I would start with saying that the whole structure that we have in place has to be examined. Because your question about Queens, I have a district that had a monitor for fiscal, Wyandanch, and all of a sudden they're there, they got there, we had a monitor. Now there is a potential, right,

there's a new charter coming into town, and I really believe that we really -- you know, it isn't about charters versus public schools. If we're saying they're all public schools, then let's talk about it in terms of funding, and let's not have winners and losers.

And the problem is is that the way it's structured, the money is taken and it has an impact on who's left behind. And I would submit that we really have to really do a real deep dive into how do we coexist, how do we create opportunities, versus creating the situation that somebody feels that dollars are being taken, and you still have to maintain the integrity of the same teachers, the same space, the same everything.

So we have not done a good job in really examining the total impact of this issue. And I see it with Wyandanch right now. It is devastating, after all the good work that's been done, to see a district that's going to be impacted as a result of this issue.

Jim?

SR. DEP. COMMISSIONER BALDWIN: I think you've covered it.

NYSED COMMISSIONER ROSA: Yeah, so I think it's looking at that, but also, to your point, what can you do with that? Districts are struggling. There are, you know -- and it's not as if -- if I take 12 kids from the -- you know, I know in my own high school, in my own middle school, designing a class -- we'll get it together.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to the Senate now.

CHAIRWOMAN KRUEGER: Thank you.

Ranker Tom O'Mara, five minutes.

SENATOR O'MARA: Thank you.

Thank you all for your testimony so far.

I just want to follow up on the teacher shortage issues that are out there. And I hear almost daily from the school districts that I represent, and many others. You talked a little bit about the certification process, and streamlining that

or expediting that. And I have heard that that's helping, to some extent. So I think we need to keep going in that regard.

But can you talk a little more about what we're doing just to get new teachers in the pipeline, rather than recertifying or expanding their certification areas to fit in various holes that are there. What efforts are underway to get new teachers into the education -- higher education system to get in line?

NYSED COMMISSIONER ROSA: So I'm going to turn it over to Jim. But the one thing that I would say, we've got to change the narrative in terms of the teaching profession. And by that I mean we have to really celebrate -- I mean, these were our first educational responders during COVID, and we have to celebrate that.

We also have to think about how education -- a lot of times people say, you know, I want my kid to be X, Y and Z, but not this. We have been really putting a lot of messages out there that in many ways obstruct

or do not necessarily allow for people to see this profession as an amazing profession that I selected over 40 years ago.

We have got to get to a place that we really give our schools, our teachers, a level of professionalism, a level of commitment, both, you know -- some of it is, you know, we know that they love the work that they do but we've got to still continue to treat them as professionals and people who give a lot in this space. Many of you have come from that space, so you appreciate the fact how challenging it is. One parent, two or three kids, most of you say, I'm going to work. Imagine a teacher with one class with 25, 30 kids. Very, very challenging.

So I will say that we really, really, really have to look at how challenging this profession -- maybe the day of the Lone Ranger should be revisited. I mean, I certainly wrote a dissertation in 1995 about inclusive classrooms, cooperative teaching in an inclusive classroom. We need more hands in those classes. We need more support.

And so I would say that is one opportunity, but we also have to make an investment in drawing higher institutions as well as working cooperatively with our communities to really put advanced plans to draw people early on -- early on -- into this amazing profession.

Jim?

SENATOR O'MARA: Well, you know, you've mentioned the extent of time that the student spends with the teacher in a classroom. Are there efforts underway just to have the teachers themselves portraying a more positive aspect of teaching?

I mean, I've heard over the years oftentimes from my own kids about teachers complaining in the classroom, about how lousy the conditions are for -- whether it's pay, benefits, time, et cetera. Are there efforts underway just to have the front line talking positively to the students about future opportunities that they might have in education?

NYSED COMMISSIONER ROSA: One of the

most amazing work that I've done in my lifetime was studying, throughout this country, cooperative teaching. And the reason is two people in the classroom. One special ed, one gen ed. And guess what? They were partners. And, you know, some of you know that when you have two people raising children or two people raising or doing an activity -- you do the dishes, I do the cooking, right -- that's a lot easier than being the Lone Ranger. I think it's time to rethink our -- the way, you know, we create classrooms and the way that we think about those 25/20 and the resources that are needed to support all of those children.

So I would submit that there are models out there that are working quite well. And when you think about it, think about some of our most outstanding private schools in this country. What do parents look for, the first thing? Reduced class size. And they also think about a teacher -- you know, the quality of that teacher and the training of that teacher. So I'd like to run our

educational system so that it can compete with some of the ingredients that we find in those private schools.

SR. DEP. COMMISSIONER BALDWIN: At the risk of the gavel, I will tell you we are working with institutions of higher education and school districts to create residency programs for teaching assistants, creating pathways. We've also got P-TEACH, we've got TOC II, where we've used MBK funds to support aspiring teachers. And a host of other activities.

CHAIRWOMAN KRUEGER: Thank you.

SENATOR O'MARA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We've been joined by Assemblyman Carroll and Assemblyman De Los Santos.

And we go to Assemblyman Smullen.

ASSEMBLYMAN SMULLEN: Thank you, Mr. Otis.

ASSEMBLYMAN OTIS: Sure.

CHAIRWOMAN WEINSTEIN: Three minutes,

Mr. Smullen.

ASSEMBLYMAN SMULLEN: Great. Thank you very much, Chair.

Commissioner, it's great to see you and your team here today. It's a very important hearing.

I represent Fulton, Hamilton, Herkimer, Montgomery and Oneida counties, a very large rural district, but of course with the same number of people. But I've got three separate BOCES clusters, 26 school districts -- many of them are central school districts. And we rely very heavily on BOCES programs in our districts. And one of the things that was very disappointing to see was the aidable salary cap for CTE in BOCES. It's the number-one issue that I've been hearing from all of the superintendents when we meet in -- together.

And I just wanted to first of all get your thoughts on it, but secondly make it recognized and realizable. To my understanding, it's been since 1990 or 1991 since the 30,000 level was set. I just did a

quick calculation, because, you know, economics matters. Since then, inflation would indicate that that would now be a $65,000 base salary.

Could you comment on that? And I'll follow up with a couple of other quick questions.

SR. DEP. COMMISSIONER BALDWIN: Yes. The $30,000 cap on salaries is basically causing districts to not participate in BOCES programs because they're not getting enough aid back.

And I was a district superintendent, as I mentioned earlier. That was seven or eight years ago when I left that position, and for years before that we were advocating for lifting that cap. Because if we compare the expenses when that cap was created to where we are now, you see that the value of BOCES aid has been significantly diminished.

And BOCES is probably the single best example of interdistrict and intermunicipal cooperation that New York State has seen. So the Board of Regents has, in its proposal,

called for significant increases in BOCES aid that is targeted to CTE. For many years the Board of Regents has advocated that the $30,000 cap be lifted. We need the support of the Legislature because we have not gotten traction with the preceding governor or the current Governor when it comes to ensuring that the critical services BOCES provide to our -- most of our school districts throughout the states are sustainable.

ASSEMBLYMAN SMULLEN: I fully agree. And I heard the comments before from Senator Murray. And knowing, you know, from the area I represent, there are lots of jobs and business is booming, but we can't find the workers. Workforce development is a critical component of this. You know, my God, if we're not going to share services in this area and the state needs to pony up its share, then what else is -- is -- this is a nonpartisan issue in my mind.

Thank you very much, Commissioner.

CHAIRWOMAN KRUEGER: Thank you.

Next is our new Senator, Iwen Chair,

chair of Libraries -- Iwen Chu. I confused "Chu" and "chair." She is our new chair of Libraries. Ten minutes, please.

Excuse me, Iwen.

SENATOR CHU: Thank you.

Good morning, Chancellor. Just -- it's regarding our library funding.

So I can see from -- in the past 16 years, our districts are reimbursed to approve the expense, like it's a $6.25 per pupil. You know, in a public school system or a nonpublic school system, the past 16 years we didn't see any increase on this one.

So in terms of the budgeting and how you prioritize the library material aid, printed or digital material, how do you prioritize those? And especially during the past two years, the pandemic, I believe the digital material needs are going up. So I would like to see what's -- do you have any better number for this one? And how we could address the digital material.

NYSED CFO MORRIS: The Regents state

aid proposal does include an increase in instructional materials aid. This was proposed in the last year as well. It does require a statutory change. It would index the amounts to inflation and also increase the amount.

So we would appreciate your support on that.

SENATOR CHU: I'm sorry, the last sentence, could you say louder? I couldn't hear.

NYSED CFO MORRIS: Instructional -- we would just appreciate your support on our proposal to increase instructional material.

NYSED COMMISSIONER ROSA: For the last two years we've been asking.

SENATOR CHU: Do you have any numbers, like what would be prioritized -- percentagewise, say, $6.25, how do we prioritize digital needs and then printed need. Do you have the proportion or --

NYSED CFO MORRIS: We can provide --

SENATOR CHU: Or how is the database right now, what we have?

NYSED CFO MORRIS: We can provide those numbers. Yes, we do have them.

SENATOR CHU: That would be great.

And -- that's it. The rest I will leave it to the library system to ask.

Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

Assemblymember Jackson.

ASSEMBLYWOMAN JACKSON: It's still morning, so good morning, everyone.

So I'm excited about fully funded Foundation Aid, even though we know that it's based on an old census. And I'm looking forward to the amount of money we spend on Community Schools and CTE schools, because I know for a fact that those are what work.

What I am concerned about is no matter how many dollars you put into our education system, we see that our Black and brown students are graduating at lower rates than their Asian and white counterparts. And so I'm just wondering, how much money is it going to take for our kids to catch up? What is the actual plan for Black and brown

students when it comes to funding -- like what is the actual plan? I don't -- I don't ever see anything written, even though we all know that they're failing.

NYSED COMMISSIONER ROSA: So let me start, and I'm glad you mentioned Community Schools, which is a model that we, you know -- I think the conversations are always about investments, right? And there are all these different models. I ran 218 in Washington Heights as the first Community School, in partnership with the Children's Aid Society. That is a model that would somehow have -- you know, we invest a little bit and then we just walk away from it.

For particularly communities of color, it is a model that supports the family, supports the child. It is not just child-centered, it is community-centered. You know, many of those programs are open six days a week, provide GED -- provide all kinds of services for the community. Provide clinical and everything else.

ASSEMBLYWOMAN JACKSON: Right. We

know that Community Schools work. I just wanted to --

NYSED COMMISSIONER ROSA: So -- but the funding is -- what I'm getting to is the issue of the funding.

ASSEMBLYWOMAN JACKSON: Okay.

NYSED COMMISSIONER ROSA: The funding -- the issue of the funding happens -- which is why we want to look at the formula. We have got to get to a place that even though we keep saying there's investments and, you know, how much is too much or not enough or whatever, the fact of the matter is that in society there are all of these endeavors, all of these issues that are very specific to schools that we fund.

At the same time, you know, when we give you a number and we say, you know, it costs $20,000 per child, that's just a general number. It matters as to where these dollars are going. And part of what we want to try to do is, with a Foundation Aid new formula, is to be intentional and target. Not just to have a formula, you know, to your

point, but be very intentional and target those communities where the greatest needs are.

ASSEMBLYWOMAN JACKSON: Thank you.

CHAIRWOMAN WEINSTEIN: Senate.

CHAIRWOMAN KRUEGER: Thank you very much.

I'm going to take some of my time, thank you. Actually, I'm following up for our chair Shelley Mayer who had to run out to something, but she'll be back. So she asked me to use my time to help. This was one of my questions also.

So we have so many new migrants coming to New York State. Obviously I come from New York City and we know that the estimates grow every single day. But it's statewide. And there's obviously children who have true new needs for us. Obviously they're coming to this country with almost nothing, including clothes and healthcare, but also perhaps very limited education from their home country.

What are we doing to make sure that we

can address this, you know, significant population of new children?

NYSED COMMISSIONER ROSA: So Phyllis is first, so we don't run out of time, to give you the specific dollars of investments in this issue. Because remember, it's not -- we also have -- even before this issue, we've had kids in shelters, and so there's dollars that go into those.

Our job is from shelters to -- as you well know. So the dollars that we think go a long way are spread out to many of these issues.

So Phyllis?

NYSED CFO MORRIS: So the Regents state aid proposals, both for '22-'23 and for '23-'24, have included a proposal for enrollment adjustment aid.

Currently districts must wait a year to receive reimbursement for increases in enrollment. So when districts are experiencing a large influx of new students, they don't have the resources up-front in the current year to be able to serve those

students.

The Regents have proposed allowing districts to receive current-year aid so they have the resources in hand to serve those students at the time that they need to provide the services.

CHAIRWOMAN KRUEGER: So it just happens to be that Midtown Manhattan, East Side and West Side, I think, at this point, are now sort of the center of resettlement for the new migrants coming to what we're calling HERCs. And literally from day to day to day you can see enormous numbers of new children, and then they try to make room for them in the existing schools.

So does your model for providing funding or making sure the funding gets to the right place where the children are actually have the flexibility to deal with the fact that, you know, there could be 4,000 more children, literally, in a couple of Midtown schools within a matter of months?

NYSED CFO MORRIS: So it would -- our proposal right now, under the current law,

districts have to wait a whole year to receive funding for those new students. And our proposal would be they could have the funding right in the current year, right up-front, at the time that they need to service students.

So yes, it's enrollment-based aid. So it would be proportional to the number of new students that are coming in.

NYSED COMMISSIONER ROSA: Right. And by the way, that happened with Maria when the kids ended up going to places on Long Island like, you know, Hempstead or other places where they couldn't get the money up-front. And it happened to Rochester and other places.

Now, this is another -- this is another area where the formula has to be -- you can't ask people -- you have X number of kids, now you have an influx. I went to a school in the Bronx that had a large influx of the students, and the principal said it didn't change my budget by having these X number of students. Meanwhile, I've got to

hire additional teachers, I've got to hire all of this.

So our formula in that respect needs to be -- you know, needs to address the very issue you're asking. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

The Governor apparently reduced funds for fiscal monitors in her Executive Budget. Now, I know you had a number of questions earlier about how you make sure money is getting to the right place. Is that what you use fiscal monitors to do? And what does it mean if you lose fiscal monitors?

NYSED CFO MORRIS: So there's four districts with monitors -- Wyandanch, Hempstead, Rochester and East Ramapo. And each of those districts has a monitor appointed by the education commissioner. And the monitor provides vital support and technical assistance and direction for those districts in managing their finances.

And the salary cost of those monitors in the past has been split between the state and the district. And you're correct,

Senator, that the Executive Budget would eliminate the state share of those salary costs. That's the proposal in the Executive Budget, that's correct.

CHAIRWOMAN KRUEGER: So is it someone's assumption that the localities will just pick up the full cost, or we just won't have those people?

NYSED CFO MORRIS: There's still the mandate. The Executive Budget also extends the Rochester monitor authority by two years. So the mandate is still there. The mandate is in statute. So the mandate to have a monitor would still be required. So presumably the cost would have to be fully borne by the school district.

CHAIRWOMAN KRUEGER: So it's a cost shift to the localities.

NYSED COMMISSIONER ROSA: Mm-hmm.

NYSED CFO MORRIS: Correct.

NYSED COMMISSIONER ROSA: Didn't change the law, it just changed the shift of the monitor.

And keep in mind that there are two

monitors in East Ramapo, and we stepped it up legislatively, we stepped it up from monitors to monitors with veto power, because we had some serious concerns.

So all of these would have to -- it's on the back of the kids, again, and the districts.

CHAIRWOMAN KRUEGER: Thank you.

So 11 percent for special education schools. What's the status of that situation? Is this a proposed 11 percent increase?

NYSED CFO MORRIS: I'm not following that, Senator, I'm sorry.

CHAIRWOMAN KRUEGER: I'm sorry, I'm reading someone else's questions, so I wasn't sure whether they were asking for 11 percent or somebody was actually coming up with 11 percent.

NYSED COMMISSIONER ROSA: That 11 percent sounds like the special ed -- that sounds like the bill from last year. Remember that? It was vetoed --

NYSED CFO MORRIS: Oh, I know what it

is. Yeah. So it's the parity bill, I think --

NYSED COMMISSIONER ROSA: Parity bill, yeah.

NYSED CFO MORRIS: -- is what you're asking about.

So yes, the department and the Regents have proposed parity in funding private providers of school-age and preschool special education services, and to have the same growth rate applied for those providers as is provided to public schools through school aid.

So the Governor's budget for '23-'24 would have a 10 percent increase in school aid. So the parity for the growth rate for the special ed providers under our proposal would be that same 10 percent.

CHAIRWOMAN KRUEGER: So we think that's happening.

NYSED CFO MORRIS: No, we need legislation to require that. Either that or the administrative methodology approved by the Division of Budget needs to include that.

But we have been successful administratively, which is why we're proposing it legislatively.

NYSED COMMISSIONER ROSA: Yeah, that's back to the cost-setting methodology. You know, trying to make sure that part of it is asking for the parity issue. That's in there.

CHAIRWOMAN KRUEGER: Thank you.

Libraries capital money, is there such a thing? And does it go through SED, or who does it go through?

I have so many libraries in my district that are not ADA-accessible. And of course a huge percentage of library users are older people, people with disabilities, families with children in carriages that can't get up and down the staircases to the older libraries.

And it's -- it just breaks my heart, to be honest, that I think it's not unique to the older libraries I have in my district but probably libraries all over the state.

NYSED CFO MORRIS: Correct, Senator.

Our information is that close to one in five libraries do not have ADA access to all of their areas. And that is a significant problem.

It was referenced earlier there's a $1.5 billion statewide need for public library construction. Those funds are appropriated in the State Education Department's budget, to answer your question. For the current year, for '22-'23, there's a $34 million appropriation. The Executive Budget proposes to reduce that to $14 million. It's a capital appropriation.

The Regents and the department have proposed $45 million.

CHAIRWOMAN KRUEGER: Thank you.

NYSED COMMISSIONER ROSA: And we're also asking not to have retrofit but to do things from the very beginning. That's why I mentioned senior citizens before when we were talking about libraries.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to

Assemblyman Kim, three minutes.

ASSEMBLYMAN KIM: Thank you, Commissioner. I appreciate the kind of ambivalent tone, as it pertains to the Executive's push to expand the charter school movement, from your testimony today.

I just want to remind every one of my colleagues that, you know, we've inherited decades of failed federal policies that have opened up a market to privatize public schools. So it's public schools that save lives, investing in public schools saves lives, not privatizing public schools. And I think your team understands this.

And we'll make sure we hold charter schools accountable, which is critical, because data after data across the country have shown that there's no-show jobs, self-dealing, fraud, corruption, all of these charter school companies that have come up and shut down. So I hope that we can take this seriously, we can find some forensic auditors to go in and look at the accounting of the charter schools to make sure we hold

them accountable.

But speaking of accountability, I do want to bring up the Times Union article about the corporal punishment cases -- about 1600 students documented in five years.

Corporal punishment is illegal, correct?

UNIDENTIFIED SED SPEAKER: Yes, it is.

ASSEMBLYMAN KIM: It's not acceptable in the State of New York.

UNIDENTIFIED SED SPEAKER: Correct. You're correct.

ASSEMBLYMAN KIM: Have we made any progress to get granular data of the complaints so it can be transparent where the complaints are coming from, what kind of corporal punishment cases are we dealing with so we can make sound decisions and policies moving forward?

NYSED COMMISSIONER ROSA: Well, we have -- yeah, we have both at the local level and at the state.

And this is a big issue for us because of the fact that it's -- you know, first of

all, nobody -- I mean, I can't even -- it's not just corporal punishment. We've linked it to the restraining issues, we've linked it to issues of isolation, seclusion and all -- the whole gamut.

And we are addressing this issue, of course. We truly support the fact that we need to really take a closer look -- not just the data, but we know that -- the data we can share with you. But also it's the actions that we have to take.

ASSEMBLYMAN KIM: Correct. Thank you. I look forward to following up with you.

I'm also a very firm believer we are what we're measured by. And if we test Asian curriculum, including Lunar New Year-related topics and Diwali holidays, Asian history, as the Senator had alluded to earlier, in the Regents test, we are creating generations of young people that will view Asian-Americans at large as a part of the fabric of this country. Just like when I grew up, I studied other communities and I grew up thinking, hey, there are no foreigners here.

But for whatever reason, Asian-Americans suffer from perpetual foreigner syndrome, and education can fix that. I hope that we can have serious conversations going forward.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator John Liu, second round, three minutes.

Only the chairs get second rounds, for those of you who haven't been listening carefully to Helene and I.

SENATOR LIU: Thank you, Madam Chair. Thank you, Madam Chair. (Mic on) Thank you, Madam Chair. Third time's the charm.

(Laughter.)

SENATOR LIU: It always takes a while for my red light to come on.

Commissioner, thank you very much.

You know, in your response to one of the Assemblymember's questions about charter schools -- not Assemblymember Kim's; I totally concur with his question. But you had -- your response had -- you had mentioned

in your response that you could not get financial disclosures from these charter schools. Could you just expand on that for a second or 30 seconds?

NYSED COMMISSIONER ROSA: Yeah, there's -- okay, there are -- this is in law, right? We have looked at the issue of what gets disclosed in terms -- you know, as you know. And what I was responding to is the issue of having access to -- and I know even with some of our conversations, the way it's set up, we don't get -- we don't -- we don't get certain information that we do need because it -- you know, it's one of those situations that --

SENATOR LIU: Is it information that SED would like to have, or is it information that they're required to provide to SED but refuse to do so?

NYSED COMMISSIONER ROSA: Oh, no, no, no. It's information that in terms of the way the law is written, it's what gets disclosed. Right?

SENATOR LIU: Okay. So it sounds like

maybe we need to talk with you about how to make that law clearer.

NYSED COMMISSIONER ROSA: I agree.

SENATOR LIU: So that SED can do its job of monitoring these charter schools more effectively?

NYSED COMMISSIONER ROSA: Well, it -- remember that when you talk about the monitoring piece, we should take a look at the charter law and the way it's written and what are the -- what were the, quote, innovative things that were thought to be and are in some cases very much a part of charter schools, that they can do that cannot be done somewhere.

SENATOR LIU: Okay. So I think that we'll certainly follow up with you to figure out what additional legislation --

NYSED COMMISSIONER ROSA: You usually do. You usually do on these issues.

SENATOR LIU: -- can be crafted to make the charter disclosures to the State Education Department more effective.

I don't have a whole lot of time left,

but I just want to underscore what we talked about in the first round, which is not having excessive class sizes is integral to providing a sound, basic education. I know you started launching into all the different types of measures that are required to be delivered to the State Education Department by all the school districts. But baked in there somehow I would like see exactly where the specific issue of class size is addressed.

Assemblymember De Los Santos and I have legislation on this that has been signed into law, and we intend to follow up fully on it. Thank you.

NYSED COMMISSIONER ROSA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Bichotte Hermelyn.

ASSEMBLYWOMAN BICHOTTE HERMELYN: Hi.

Thank you, Commissioner, for being here, and the whole team.

My question is around the charter

schools. And I just -- I'm just a little bit surprised and appalled, you know, that the Executive Budget is proposing to eliminate the regional cap and to permanently authorize all these charter schools that didn't succeed for whatever reason. It's like saying, hey, even if you did bad, you know, we're still going to put you in our schools -- in our community.

That's a problem. This is another way of dismantling our public school system. Even though charter schools are considered public schools, this is a direct dismantle. And this will create more disparities and more segregation. We know that.

So I don't know what kind of deal is being done. And this is not to you.

NYSED COMMISSIONER ROSA: No, I understand.

ASSEMBLYWOMAN BICHOTTE HERMELYN: It just makes no sense. It makes no sense.

Even within the charter school world, we have disparities. Okay? So we're talking about district schools where there's going to

be more segregation. And even within the charter schools, we have Black and brown-founded charter-led schools that aren't being represented -- only 6 percent. They're not even being issued.

So even if we're going to go the route charter, what happens to the Black and brown-founded charter schools? That's a problem.

So I think this whole thing is crazy. It's not good for our students, it's not good for our community. You as the commissioner, where do you stand? I mean, like, it's bad. I don't think this is -- this is -- I don't know, no one is -- this is bad. I think we -- this is very alarming. Very alarming. So please, where do you stand?

And again, I know this is the Executive Budget, but you as the commissioner, do you support this? Do you support eliminating the cap, just reassuring permanently any charter schools anywhere? And then again, within the charter school world, do you support the continuous

disparities and not allowing Black and brown charter schools to take even a part? These are small community schools, and I believe that they weren't even able to testify today. That's a problem.

Thank you.

NYSED COMMISSIONER ROSA: So let me just start that we were not part of this conversation in terms of this decision at all. In terms of the zombies, in terms of removing the boundaries --

CHAIRWOMAN WEINSTEIN: Thank you.

And, Commissioner, I believe you've -- right, if you could have some offline conversation. And I believe you've answered -- you earlier had addressed some of these issues.

NYSED COMMISSIONER ROSA: Yes.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate, do you have --

CHAIRWOMAN KRUEGER: The Senate I believe is closed. So Assembly, keep going.

CHAIRWOMAN WEINSTEIN: Okay, so we have next Assemblywoman Hyndman, who I think

is at conference.

So Assemblyman Chang.

ASSEMBLYMAN CHANG: Thank you, Chairwoman.

Thank you, Commissioner, for being here, as I know it's a long day, a couple of hours already without a break.

You know, the pandemic has devastated our school system in terms of teaching, and I'm very happy that the Executive Budget has set aside $250 million for tutoring, high-impact tutoring.

So do you have any measurements, procedures and process and measurement matrixes once you use that money for how it's performing?

NYSED COMMISSIONER ROSA: So let me start by saying that extended -- first of all, it's taking the money that's being given to the schools and asking them to set this aside. With all kinds of other issues -- transportation and -- how do you do that?

I do want to say publicly this is not a new innovation. They've been doing this.

Superintendents and principals do extended-day, particularly with the money for learning recovery. I can tell you because we have meetings with superintendents all the time, principals all the time, our stakeholders.

This is something that is going on; it is the way the law was set up. And the requirements that were set up for all the funding that came from the feds -- tutoring, tutoring after school, summer school, all of that was laid out. And they had to put a plan together. So this is embedded already.

I think that it's a nice narrative, 250 million, but it's taking money from already the money that they are getting. They're already doing this.

Number two, I do have to say that the 250 -- the fact is that in some places, because of after-school transportation, it's going to be challenging. So the very same kids that normally, you know, are impacted are not going to have access to it.

I wish that it was a novel idea; I

wish it was a great new innovation, new concept, but it is not. It is just additional dollars that they can use to do that. I will tell you, they're flooded with doing a lot of tutoring and doing a lot of work in this space.

Jim?

SR. DEP. COMMISSIONER BALDWIN: Yeah, I think, our position would be that that shouldn't be set aside. The Foundation Aid formula is supposed to be fully implemented this year. This really creates an unnecessary diversion of funds.

We are -- we think it would be better to provide school districts with the flexibility to use those funds as they best see fit in terms of responding to local needs.

ASSEMBLYMAN CHANG: Another question here is class sizes. I'm sure everybody's talking about class sizes. But what's your thought about parental involvement in the decision-making process for high-performing schools and high-performing students and

low-performing schools and low-performing students? Do you think parents should be involved in the decision-making process?

NYSED COMMISSIONER ROSA: We have always, always -- as a parent, I always believed that my voice as a parent is critical. And we have to define what parental involvement is, because people have different ideas what's parental involvement.

So I would say I support parental involvement, but we also have to define what does that mean, exactly what's -- you know, what it entails. So absolutely support parental involvement.

CHAIRWOMAN WEINSTEIN: Thank you.

ASSEMBLYMAN CHANG: Thank you.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Hyndman.

ASSEMBLYWOMAN HYNDMAN: Thank you very much, Chair Weinstein.

And I want to thank the deputy commissioners and our commissioner today.

Do you know or is there any mechanism within SED to calculate or assess the amount

of money that goes from a charter school back to the traditional public school when a student or a family has to put their children back in a traditional public school? Is there any mechanism to capture that, number one.

I think P-TECH -- P-TEACH should be excellent. As we're losing, we have to cultivate new students for our schools. And if you could also speak to the vacancies within SED for attrition, that would be helpful.

NYSED CFO MORRIS: So in terms of charter school funding, when a student is placed in a charter school, the public school district then pays a charter school tuition rate that's established in statute for that student.

I'm not sure, is that answering your question?

ASSEMBLYWOMAN HYNDMAN: Is there any way that SED keeps any record of, one, if the money goes back, and two, how much does go back to traditional public schools?

NYSED CFO MORRIS: I'm not sure what you mean by "going back." We do have the data on the amount of funding that the public school pays the charter, if that's --

ASSEMBLYWOMAN HYNDMAN: Okay, if you can share that with me.

NYSED COMMISSIONER ROSA: I think she means in its totality. We can get you in its totality. In other words, X number of charter schools, how much money has exited.

ASSEMBLYWOMAN HYNDMAN: Mm-hmm.

NYSED COMMISSIONER ROSA: We can do that even by district. In other words, if you take a district like -- whether it's -- let's take Wyandanch or even a district like Hempstead, which is a high rate -- by the way, that's another thing. Different rates in different places as well.

ASSEMBLYWOMAN HYNDMAN: Exactly. Thank you.

NYSED COMMISSIONER ROSA: Per student.

ASSEMBLYWOMAN HYNDMAN: Okay. And about staff vacancies or attrition within SED, what is the -- how many employees do you

need, how many have left. Because we talk about teachers, but we're also talking about the people that do the work in SED.

EX. DEP. CMMR. CATES-WILLIAMS: How many do we need?

ASSEMBLYWOMAN HYNDMAN: I was trying to add up all the numbers in here, and I'm sure that's not enough of staff you need and how many staff are you losing.

EX. DEP. CMMR. CATES-WILLIAMS: So our original number, which was around 3200, we currently have a fill today of 2876, somewhere in that -- I'm sorry, 2549, in that area. So we're trying to get from that 2549 up to that --

ASSEMBLYWOMAN HYNDMAN: That thirty --

EX. DEP. CMMR. CATES-WILLIAMS: Yes, to that number, yes.

NYSED COMMISSIONER ROSA: And that's way -- this is the original number way back, so --

ASSEMBLYWOMAN HYNDMAN: Okay.

NYSED COMMISSIONER ROSA: And this is with added responsibilities and all the

things we have to do.

ASSEMBLYWOMAN HYNDMAN: And the unfunded mandates from us, right?

(Laughter.)

EX. DEP. CMMR. CATES-WILLIAMS: But we do have a need to build up our staff in the IT side of the house --

ASSEMBLYWOMAN HYNDMAN: I did see that amount --

EX. DEP. CMMR. CATES-WILLIAMS: Because that is a major priority for us. We have several modernization programs. And the IT shop has not been funded in many years.

ASSEMBLYWOMAN HYNDMAN: Okay, thank you. Thank you, Chair Weinstein.

NYSED COMMISSIONER ROSA: Don't get the gavel.

EX. DEP. CMMR. CATES-WILLIAMS: I don't want to get gaveled.

(Laughter.)

EX. DEP. CMMR. CATES-WILLIAMS: We need funding for that.

NYSED COMMISSIONER ROSA: Thank you.

CHAIRWOMAN WEINSTEIN: We go to

Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Good afternoon, Dr. Rosa, how are you?

NYSED COMMISSIONER ROSA: Good, good, good.

ASSEMBLYMAN CARROLL: I think you know what I'm going to ask. I'm going to talk about literacy.

As you know, there are five pillars to literacy: Phonemic awareness, phonics, fluency, vocabulary, comprehension. As you also know, to learn to read you need direct and explicit instruction. This is the science, and it's undisputed.

So I have one simple question. Why do a majority of our public schools use a curriculum that does not follow the science? It is based on "three cueing"; it has been debunked. It is destroying the lives of hundreds of thousands of students every single year. Two-thirds of New York City students read at below grade level; many of them are illiterate. Eighty-plus percent of students in Rochester, Syracuse and Buffalo

are below grade level. We are destroying their lives.

And the reason I care about it is because my life was almost destroyed. I struggled with dyslexia as a child. I was lucky to be identified in a public school in Brooklyn. But if I had not been, I would not be sitting here today.

You cannot believe in civil rights, you cannot believe in justice if you do not believe in teaching children to read. We are not teaching children to read. We are turning our backs on the science. How can we continue to do that? Why do the Regents allow for schools to use debunked curriculum and teacher training continuously?

This science is 40 years old. This was not found out yesterday. We are doing a great disservice to our state. I commend us for spending the most in the nation per pupil, but I cannot stand by when we are 45th in reading attainment in the nation. Mississippi does better than us. That is unconscionable. What are we going to do

about it?

NYSED COMMISSIONER ROSA: Well, let me start by saying that the Regents are -- you and I have met in terms of this issue with dyslexia and the brain research. The Regents have not turned their back on this. You also have to remember local control. You have superintendents in districts that make decisions about -- we do not develop curriculum --

ASSEMBLYMAN CARROLL: Dr. Rosa, you have leadership. Dr. Rosa, the Governor was so scared of this topic she vetoed a bill that Senator Hoylman and I had just to have public hearings on it.

We need leadership from our Regents. We need them to be honest to parents. We are destroying children's lives. A child who is not reading at grade level in fifth grade rarely if ever catches up. One in seven American adults is functionally illiterate. And unfortunately, there are so many communities where so many more people don't know how to read.

I care about it because I have seen it happen. I know how lucky I was. And it is a disgrace in New York State that you've got to be lucky to learn how to read.

NYSED COMMISSIONER ROSA: And you know we did get behind the bill, and we've been -- I mean, we've had meeting after meeting to support this issue of the brain science and the strategies that you and I have spent numerous conversations discussing this issue.

So yes, I have leadership. But at the same time, there are local, as you know, local decisions.

CHAIRWOMAN WEINSTEIN: Thank -- thank you.

ASSEMBLYMAN CARROLL: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblyman De Los Santos.

ASSEMBLYMAN DE LOS SANTOS: Thank you, Madam Chair.

Thank you, Commissioner. Happy to have you here today. As a former school social worker and community school director, every day I become more and more and more

concerned about the lack of full parental engagement in our community schools and every school throughout New York City. And today, in 2023, it's hard for me to imagine not having parents engaged in the process.

So when we talk about opportunity for students, opportunity for our Community Schools, for our school districts, opportunity for our families, we're not addressing, we're not engaging our parents in the process. We're not doing the work that needs to be done.

And I think it's so important that we allocate and that we include an initiative in the budget that is tailored specifically to parental engagement, because we know -- and by the way, I know we're really excited about class size.

I was honored and proud to champion that in the Assembly, along with my colleague in the Senate, Senator John Liu. It provides endless opportunity for students to engage with teachers, the engagement process is enormous. The same is true for parental

engagement. So we cannot do one and neglect the other one.

So I want to know -- because I know oftentimes we talk about parental engagement, and I feel that it's cliched, but we never see it. We talk about it, but I really would like to see it in every Community School in my district. I know there's over 30 community schools; there's two in Albany. But parents are not necessarily engaged. And I say that from experience.

So what is being done to change that, right, to ensure that the parents are fully engaged in the process? In addition to that, as a former social worker, I'd love to see every Community School district with a social worker with access. Students deserve to have access to quality mental health services -- in addition to that, to have a psychologist in every school. We owe that to our school community, we owe that to our community, we owe that to our families, we owe that to our students.

So specifically I want to know what's

the process for what needs to be done to ensure that mental health becomes a reality in every school and that parental engagement also is fully implemented in every Community School throughout New York City.

NYSED COMMISSIONER ROSA: Okay, so just as somebody who came from a Community School in Washington Heights that was -- that the parent piece was huge, we support -- we even have a parent piece, a parent office within our department. And we also have them as part of the whole issue with -- the parents have been key in the whole graduation measure.

But I do have to say, we can't even get 1.6 million for translations for parents, and we've been asking that for years. So think about not even getting translations.

ASSEMBLYMAN DE LOS SANTOS: I know. I represent one of the most diverse school districts. So I think we owe this to our students, we owe this to our families --

CHAIRWOMAN WEINSTEIN: Time. The time is --

ASSEMBLYMAN DE LOS SANTOS: -- and I really want to make this a reality --

CHAIRWOMAN WEINSTEIN: Sorry, Assemblyman. The time is --

ASSEMBLYMAN DE LOS SANTOS: -- in this school budget.

CHAIRWOMAN WEINSTEIN: The time is out. Thank you.

Commissioner, in a few places if you can send some responses to everyone.

NYSED COMMISSIONER ROSA: I will. I will not only send a response, but we can set up a meeting so you can understand from our perspective how we value the parental involvement, and share with you some of the things we're doing. Absolutely.

ASSEMBLYMAN DE LOS SANTOS: I look forward to that.

CHAIRWOMAN WEINSTEIN: Thank you.

So we go to Assemblyman Ra, five minutes.

ASSEMBLYMAN RA: Thank you.

Good afternoon, Commissioner. Good to see you.

NYSED COMMISSIONER ROSA: How are you?

ASSEMBLYMAN RA: I want to start with -- you know, and you're in a unique position as opposed to most of our other hearings, in that you're an independent entity. But one of the things that I think -- you know, there's a lot of good stuff in this budget proposal, but one of the things that I find completely ridiculous is the fact that despite the headlines out there about a 10 percent increase, there's a proposed cut to our 4201 schools, which service children with low-incident disabilities.

And I'm wondering if you could comment on, you know, if one of these students went back into their district, that increase that district is getting is going to get eaten up pretty quickly. So they do a great job, and they do it well with sometimes not so much funding.

NYSED COMMISSIONER ROSA: So it was in my opening act, we talked about exactly this issue. And we've spent some time talking

about it, so I'm going to turn to Phyllis. And we're more than glad to share, with the cost-setting methodology, the kind of work we're doing to really respond to this very issue, which is one -- you know, one of the critical issues for us.

NYSED CFO MORRIS: So with regard to the state-supported schools for the blind and deaf students, the 4201 schools that you're referencing, yes, the Executive in the budget does decrease funding across all the schools as well as funding that was specifically designated for certain schools.

And as you said, Assemblyman, these schools serve students that cannot be served in the public schools, so there really isn't even a question of can they go back to the public school. These are students that the public school cannot serve. That's why they're placed in these schools. So there's absolutely a need to support them fiscally.

ASSEMBLYMAN RA: Thank you, Commissioner, because I know this has always been an area of focus and passion for you,

serving these -- our special education students.

On kind of a similar topic, so the proposal with regard to the rate-setting methodology for the 853s, is that appropriation that has been proposed sufficient to getting that done? And, you know, what do you see in terms of time frame on that? Is this something that will be done internally within State Ed or, you know, we need to engage like outside entities to do that?

NYSED COMMISSIONER ROSA: You're talking about the 2.5 million --

ASSEMBLYMAN RA: Yes.

NYSED COMMISSIONER ROSA: Yes. We met with both the Chamber and DOB. The 2.5 is for us to study it, to work both from within, have staff work, and make sure that we have experts who support us to take stock at what the formula and the methodology looks like.

We want to have an advisory, obviously. We definitely also want to make sure that some of the issues -- you know, the

whole issue with some of the concerns we have within the requirements, are those that we can kind of work through and not have them part of it, because at the end of the day we'll end up with the same formula -- and that's not where we want to be.

Thank you.

NYSED CFO MORRIS: Just in terms of the deadline, the appropriation language in the Article VII language references a July 2025 deadline for the methodology being finalized.

ASSEMBLYMAN RA: Yeah, and then just also about that. I mean, as you know, one of the things that really hurts these schools in terms of just predictability of what they're going to have is the reconciliation process and coming after the fact and, you know, not being able to retain that money.

So I hope that's something that we will look very closely at as we go through the process. I mean, I know you agree that this formula is broken and needs at every 853 school -- as you know, they're so unique.

Each one of them is different from another. And, you know, I hope that this proposal makes its way through and we can get to a point that we fix that going forward so they have that predictability and are able to continue to serve the students they serve.

NYSED COMMISSIONER ROSA: Yeah. We see this as an incredible opportunity.

I do have to say, most of you don't know this, but I was the principal at St. Agatha's, a residential program that even had respite. So I know this population. And I know the needs of these places. And we are losing them. And when we don't have them, children are either staying at home, going to out of state. We have got to build this. And all we keep doing is closing them.

And so when I get calls from a lot of you, the parents are desperate. You know, and the schools are closing. And so we are not doing what we need to do to respond to the families and the students that need our support in this population.

ASSEMBLYMAN RA: Thank you so much,

Commissioner.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Woerner for a second round of three minutes.

ASSEMBLYWOMAN WOERNER: Thank you. Thank you very much.

Just an area that no one's mentioned yet is the New York State Summer School for the Arts. So last year there was insufficient funds in the Cultural Education Fund, and there was no General Fund allocation. The year before that, it was virtual.

So I want to take you back three years. How many students participated in this program, which serves students regardless of family need who are artistically talented?

NYSED COMMISSIONER ROSA: So we will share with you exactly. But just so you know, two years in a row we've asked for the funding. We did not receive -- the advocacy was out there, there's no question about it. But nonetheless, we did put it in our

priority, and we put it in our proposal.

ASSEMBLYWOMAN WOERNER: Yes, I know. That's why I'm probing here.

NYSED COMMISSIONER ROSA: So we're going to get you the actual numbers.

EX. DEP. CMMR. CATES-WILLIAMS: So you want the numbers from three years ago?

ASSEMBLYWOMAN WOERNER: Yeah, when you last held it in person.

EX. DEP. CMMR. CATES-WILLIAMS: Okay, I don't have that with me at the moment, but I can certainly get that to you.

ASSEMBLYWOMAN WOERNER: That would be great. And along with that, if you could also let me know what percentage of the students who attended were scholarship students, either full or in part, and what distribution of students -- what the geographic distribution was of those students across the state.

EX. DEP. CMMR. CATES-WILLIAMS: Three years ago. Yes, we can get that.

ASSEMBLYWOMAN WOERNER: Thank you very much.

EX. DEP. CMMR. CATES-WILLIAMS: No problem.

CHAIRWOMAN WEINSTEIN: Thank you. So that concludes -- a little earlier, a little less time than last year, because I think people were more observant of the time clock.

So thank you so much, Commissioner, for being here -- yes?

NYSED COMMISSIONER ROSA: Yes. I have to thank you, because I did not even have to ask for a bathroom break.

(Laughter.)

CHAIRWOMAN WEINSTEIN: That -- that's good. We had it penciled out on our thing.

So thank you, Commissioner, so much for being here. I know there are a few responses to some members that we'll be receiving. And, you know, we look forward to continuing to work with you as we move forward on this budget.

NYSED COMMISSIONER ROSA: And our staff did take notes, and we will make sure that every commitment we've made to get back to you -- even to set up meetings -- we will

follow --

CHAIRWOMAN WEINSTEIN: Sure. Thank you. And if you'd just send any follow-ups to myself and Senator Krueger, we'll make sure to distribute them to all members of the committees.

NYSED COMMISSIONER ROSA: Yes. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

CHAIRWOMAN KRUEGER: Thank you very much for your time today. And we also ask everybody who's going to try to grab these four people to talk to them, to take it out to the hallway so our next guest can get to the table. Thank you.

CHAIRWOMAN WEINSTEIN: And we will be calling our next speaker. The next witness is Chancellor David Banks, the chancellor of the New York City Department of Education.

(Off the record.)

CHAIRWOMAN WEINSTEIN: Can we please take the conversations outside -- Assemblyman Carroll, please -- as the chancellor takes his seat.

Just for the members, we're distributing the chancellor's remarks, and I believe they'll be emailed to you in addition shortly.

(Off the record.)

CHAIRWOMAN WEINSTEIN: Just a reminder, as we are about to get started with Chancellor Banks, to both the members and chancellor -- welcome, thank you for being here -- if people just -- I wasn't sure, Chancellor, if you were here at the very beginning, so you'll have 10 minutes to present your testimony. It has just been distributed to the members. Try not to read it; 10 minutes goes fast, as many others before you have figured out.

Then just a reminder, both to the members and the DOE individuals who are here, that the time limit on the clock -- keep an eye on it -- it's both for the question and the answer. So don't wait till 20 seconds to say "What do you think?"

And with that, Chancellor, if you are ready, you can begin your presentation.

NYC DOE CHANCELLOR BANKS: Great, thank you. Thank you so much.

Good morning and thank you, Chair Weinstein, Chair Krueger, Chair Benedetto, Chair Liu, Chair Mayer, members of the Assembly Ways and Means and Senate Finance committees. My name is David Banks. I serve as chancellor of New York City Public Schools, and certainly grateful for the opportunity to testify before you today on the proposed 2024 New York State Education Budget.

I'm joined here today also by our First Deputy Chancellor Dan Weisberg; Emma Vadehra, who's our chief operating officer, and Seritta Scott, who's our chief financial officer. And we're all very happy to be here with you today.

So listen, much has changed since I became chancellor a little over a year ago. When we began, COVID-19 cases were skyrocketing, so we urgently and thoughtfully managed that process with precautions to make our schools safe while allowing in-person

learning to continue. I know we're all happy that we're in a different place now. While keeping our students and staff safe and healthy continues to be our highest priority, we have been able to lift many of the restrictions on our campuses, and we're happy about that.

The last few years have taken a significant toll on our students as well as their families. Even before the pandemic, many families were making the choice to leave our schools, and that accelerated during the crisis, not only in New York City but also in urban districts across the country.

In the five years prior to my becoming chancellor, we lost over 120,000 students and families, and 70,000 in the last two years prior to my becoming chancellor. The reasons for leaving vary, but the answer to declining enrollment is clear to me, that we have to give our students and families the opportunities and experiences that they want in the classrooms, and we must do a better job of showing them how our schools are

giving students the skills and knowledge that will drive success in their lives after school.

My administration is focused on rebuilding trust with our families and bringing families back to our schools. We remain guided by the Four Pillars that I laid out over a year ago to build trust with our families and our New York City Public Schools community.

Our first pillar is Reimagining the Student Experience. We've created programs like our Pathways Initiative, which is designed to give our students real-world experiences leading to a rewarding, engaging career, as well as financial independence and long-term economic security.

The second pillar is Scaling, Sustaining, and Restoring What Works. That includes expanding opportunities that were historically denied to some of our most vulnerable children.

This fall we announced a $205 million dollar investment in proven, research-based

programs such as ASD Nest, Horizon, SEED, and a path to improve outcomes for students with special needs. Let me reiterate. These are proven programs already in our schools that educators and families identified as life-changing for their children.

This winter we doubled down on this commitment when we announced that we are improving and aggressively adding early childhood seats for this particular population.

I want you to know that this administration sees our students with disabilities and is moving quickly to scale the high-impact programs that our students need to be successful in life.

Pillar Three is prioritizing wellness and its link to student success. Both the Mayor and I believe that when the whole child is well, the family is well, and the whole community is well. That is why we have an ongoing commitment to increasing healthy school food options and to more deeply integrating mindfulness work in our

classrooms.

Now, one of the things, I have to tell you, that keeps me up at night is the safety of our children. Our students cannot be well if they are concerned about their physical safety even outside of our schools. As a former teacher, school safety agent, and principal, I take this work personally. We cannot solve violence, particularly violence impacting our young people, solely through police efforts. Our schools have a vital role to play in keeping our students safe and supported, and I'm 100 percent committed to that work.

We launched Project Pivot in response to feedback that we've heard about the value of collaborating with trusted community groups to provide programming that really engages and excites students. Project Pivot offers counseling, mentoring and learning opportunities through recreational outings, sports, arts programs, and violence intervention and prevention techniques.

Finally, Pillar Four is engaging

families to be our true partners. One of my first decisions as chancellor was to eliminate the redundant position of executive superintendent and to fully empower the district superintendent. I charged my administration with going above and beyond what is required by the law to ensure the community had an active role in questioning candidates and providing feedback. That included elected officials who helped make this process successful, many of whom are sitting here today.

Most recently, we made good on our promise from last spring to convene a working group of volunteers representing parents, advocates, union leaders, and school finance experts from across our city to recommend long-needed changes to the Fair Student Funding formula.

Two weeks ago, we announced the outcome of that working group. We are proposing two important changes: Adding funding weights for students in temporary housing, and for schools that serve high

numbers of students with high needs.

These two changes are major steps forward in ensuring our schools are funded equitably, and they are the result of deep collaboration with our communities. Significantly, our decision to add a funding weight for students in temporary housing is the first to be implemented among the five largest school districts in the nation, and we welcome the opportunity for the state's Foundation Aid formula to follow suit.

One area of our work represents all four pillars -- our work getting back to the basics of literacy and improving supports for students with dyslexia and other print-based disabilities. This work started with moving all of our kindergarten through second-grade classrooms to a foundation of phonics-based literacy instruction. For too long our schools have relied on methods that work for some but not for all. Too many of our students were left behind and struggled to become fluent readers. I'm proud to report that this work is well underway, guided by a

literacy council of educators, parents, and experts.

Building on that work, Mayor Adams and I announced the largest, most comprehensive approach in the nation to supporting public school students with dyslexia. For the first time, all New York City public school students will be assessed for risk of dyslexia, supported in their neighborhood school, and provided specialized instruction through the development of special programs and academies.

The work we've launched over the last year will continue to grow in scope and in impact. And our schools will continue to innovate on this foundation, to look for and address any barriers that may stand in the way of a child becoming a proficient reader and a confident learner.

So it's been an enormous pleasure for me to visit and learn from many of you in recent months. As many of you also know, Mark Treyger, the former teacher and Education Committee chair of the New York

City Council, is a significant part of our team. He joins me here today as well. He not only advises us through the lens of an elected official, but he's helped us strengthen vital partnerships across the city. And I can't be more thankful to Mark. He's joined me in meetings and school visits with so many of you, including Chair Krueger at the Julia Richman Education Complex. And I greatly appreciated your support for the decision to appoint Superintendent Kelly McGuire in District 2. Not easy decisions to make.

Chair Weinstein, who shared concerns with my team related to enrollment declines at local schools.

Chair Liu, who has championed the work to advance AAPI curriculum in schools to deepen student understanding while building a more inclusive society. We support that, and we're proud that we have been able to launch a successful AAPI curriculum pilot and plan to build on this important work.

Chair Benedetto, who joined us at a

recent education-related town hall meeting in Co-Op City, where resident voices were front and center.

Assemblymember Hyndman, who came with us to Pathways College Preparatory School in Queens, and has fiercely championed support for schools in her district and across the state.

Assemblymember Simon, who came to Bridge Preparatory Charter School, which is specifically geared to meeting the needs of students with dyslexia and other language-based learning needs.

And finally, Assemblymember Walker and Senator Brisport, who have partnered with my team to support the work of the Shirley Chisolm Daycare Center.

These are just examples of some of the work that we have engaged with many of you as elected officials.

I want to thank the State Legislature and Governor Hochul for continuing to increase vital State Foundation Aid, while approving the extension of mayoral

accountability, which has allowed our administration to safely and fully reopen our schools while making critical investments in meeting the needs of our students in the aftermath of the pandemic.

Mayoral accountability allowed us to swiftly and strategically support newly arrived New Yorkers who are seeking asylum. Last summer the city administration launched Project Open Arms to coordinate the city's efforts to immediately enroll and support newly arrived students. Additionally, I immediately appointed a central leader to ensure that support reached our students, schools, and families as quickly and effectively as possible.

So there's more in my opening remarks. I will be respectful of the time. I think you all have a copy of the testimony, and I invite you to read it.

And with that, I'm ready to take any questions. Thank you.

(Scattered applause.)

CHAIRWOMAN WEINSTEIN: I left out "no

clapping" on our --

CHAIRWOMAN KRUEGER: (Inaudible.)

CHAIRWOMAN WEINSTEIN: We go to our chair of Education, Assemblyman Benedetto.

ASSEMBLYMAN BENEDETTO: Who has great, great problems -- oh -- putting on the microphone.

(Laughter.)

ASSEMBLYMAN BENEDETTO: Mr. Chancellor, thank you so much for coming on down here, and thank you for your appearance in Co-Op City a few weeks ago. We were enriched by it all.

NYC DOE CHANCELLOR BANKS: Thank you.

ASSEMBLYMAN BENEDETTO: Listen, I applaud you on your efforts in dyslexia and in sorting out the children who may have it, and trying to deal with them at a very early age. You have started these programs. Can you give me a quick update there?

NYC DOE CHANCELLOR BANKS: Yeah, and listen, I want to take a moment here and also really thank member Carroll. We have met with him from very early on. He reached out,

and my team has worked closely with him. He's expert in this area. And it is personal with him. He has shared with us places that are demonstrating best practice, and we're trying to scale that body of work. In fact, we're getting ready to have a press conference tomorrow to announce some new initiatives that we're doing in that space as well. I want to thank you for that.

But we have convened a group of experts who have really helped us to drive a long-term plan in this place and space. Our teachers have been trained in looking for and how do we screen for dyslexia, particularly in the K-2 space. The goal, again, for us is to ensure that every child can read on grade level no later than the third grade. That is our focus. It's what we refer -- the theme is "Bright Starts" for us. And so under the leadership of our Deputy Chancellor Carolyne Quintana, she is really driving this work all around the city.

Every superintendent in the city is being held accountable for performance in

this particular space. We cannot be successful on all the other things that we're trying to do in our schools if we're not ensuring that everybody can read on grade level. And that's a major focus for us.

ASSEMBLYMAN BENEDETTO: Thank you.

The State Legislature, in its wisdom, imposed upon you and the New York City school system a class size reduction, limit, going forward. How is that going? And what challenges do you foresee as you progress?

NYC DOE CHANCELLOR BANKS: So we are working together with all the parties who are deeply vested in this -- our teachers' union, our parents, our schools, our educators as well. We are going to have -- the next two years, we think we're going to have a bright enough light on this space that will allow us to be able to continue to ensure that the class size mandate that you all have instituted will be fine. We'll be fine over the next two years. But with all candor, my deep concern is what happens in Years 3 through 5.

This is a -- it's an area of real challenge. Listen, as the chancellor -- no chancellor wants to argue against class size and reducing class size. We'd all love to have the smallest class sizes that we could possibly have. And this body has seen to it that you've put it in the law.

The challenge for us is going to be -- we've heard from many parents and we've heard from many of our principals and school leaders that they're going to wind up having to make some very difficult choices on the back end of this implementation timeline.

What does that mean? That means by the time we get to Years 3, 4 and 5, schools are going to have to comply with the law in a way that is going to force them to make difficult choices. So let me tell you what I mean.

The current class size for right now for students in kindergarten through 3rd grade in New York City public schools, we have an average class size right now, as we sit here today, of 22.2. Most principals

would tell you that's -- that works well enough for them. The mandate from this law is that it be 20. So what that means is we've taken any level of discretion away from the school leaders. So if you have -- if you're teaching second grade and you have 22 kids in the class, you will be forced to hire another teacher because you are above the limit. That will not be left to the discretion of the school leader.

Once that happens, our projections -- maybe some folks would differ with that -- our projections are that in order for us to fully meet this over the course of the five years, we are going to have to add and hire an additional at least 7,000 teachers in order for us to meet the mandate.

In doing that, there are going to be other decisions that are going to have to be made by school leaders. You may not be able to keep the art teacher, perhaps, that you wanted to keep because you're going to have to hire the additional second-grade teacher because you're two students over the number.

Those are the things that we're grappling with. They're not immediate concerns for us right now. We strongly believe that the next two years, we're good. It's by the time we hit Year 3 -- and I stay up thinking about what the long range is going to look like on that. So we are -- we're going to be announcing a new task force of -- a working group of parents, school leaders and other interested parties. Because I've heard from a wide range of parents who have differing opinions on this, and I want to make sure that they are heard.

This body had made it very clear, from the moment that I became chancellor, that parent involvement and parent voice was critically important to all of you. And it is important to me. And I'm going to honor that, because I'm going to absolutely engage parents and families in this process, much like I have done with all the other initiatives that I've done.

Many parents feel that they were not heard on this, as this law was developed.

But they're going to hear from me. And they will absolutely be at the table alongside me as we figure out the best way to implement this.

So I would say that in the coming days you'll hear further from me and you will hear further from the community on how they think that we should roll this out.

ASSEMBLYMAN BENEDETTO: Thank you.

Further complicating things, I would think, with the Governor's proposal in doing away with the regional distinction in the caps on charters -- if that would go through, it would allow up to maybe a hundred-plus new charters, and new charters coming into the City of New York and requesting space within the schools, further limiting your ability to accommodate to the law.

Comments on that?

NYC DOE CHANCELLOR BANKS: Listen, I was appointed by the mayor to be the chancellor of the public school system, and with that, my overarching responsibility is in fact to the students of the traditional

public schools.

I've got great relationships with many of the charter school leaders around the city, and I have said to them on many occasions that my goal is that we figure out how do we work together, how do we share best practice so that everybody wins. I'm not interested in a system of winners and losers. And I think it's an old argument, and it's a tired argument in many ways, of this fight, this pitched battle.

At the end of the day, the decision on whether the cap gets lifted or what the Governor has proposed -- it's not my proposal. And the ultimate decision on what happens with that ultimately rests with you and with this body. I will work with whoever I need to work with on behalf of all the children, because that's what my major focus is really all about. Does it present challenges? Of course it presents challenges for us. Any time we do collocations, there are challenges. There are challenges with just collocations of just traditional public

schools as well.

So the challenge is always set before us. But, you know, this has been a -- this has been kind of a pitched issue for many, many years, and in some ways I'm quite tired of it, to be honest with you. You know? I really spend most of my waking moments very focused on how I can help these kids to read. Whether we have charter schools, we don't have charter schools, or whatever we've got, 65 percent of Black and brown children never achieve reading proficiency in this system. And I just consider that outrageous. And I don't want to have that attached to my administration or my name or my legacy.

And so I'm doing everything that I can possibly do to solve for that. And I think that existing charters can play a role in that. Many of them are doing a great job as well. But the expansion, lifting of the cap, all those issues, are not for me. I know the Mayor will be before you, I think next week, and probably better for him to respond to that. In this system of mayoral

accountability, I work closely with the Mayor, and I take a lot of my direction from him with respect to those significant political decisions, and I'm just going to do the best job that I can.

ASSEMBLYMAN BENEDETTO: Mr. Chancellor, thank you for your time. Thank you.

NYC DOE CHANCELLOR BANKS: Thank you, Chair Benedetto.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

We're going to start with Chair John Liu of the New York City Education Committee.

SENATOR LIU: Thank you, Madam Chair.

Welcome once again, Mr. Chancellor. Remember a year ago --

NYC DOE CHANCELLOR BANKS: Yes.

SENATOR LIU: -- I said "Congratulations, and you have my deepest condolences." A year later, do you know what I'm talking about? (Laughing.) Okay.

NYC DOE CHANCELLOR BANKS: Absolutely.

SENATOR LIU: Thank you very much.

And, you know, let me start off by saying that there have been a lot of great things that your administration has done. You know, you got us out of the COVID crisis. I think this was a decision recently which I think will, you know, cause some concern and at the same time make a lot of other parents happy. That's the kind of situation you're in, right?

NYC DOE CHANCELLOR BANKS: That's right.

SENATOR LIU: The dyslexia and what you've done with our public schools and Mayor Adams talking about his personal experience, I think that has sent a really strong message to all the kids and families in the City of New York that they will have the opportunity to learn like everybody else.

So just want to start off on a good note.

NYC DOE CHANCELLOR BANKS: I appreciate it.

SENATOR LIU: Okay. So let's get to

some of the questions that Chair Benedetto has already started asking you.

Your response to his question about our class-size legislation is troubling to me. It's actually very troubling, because you couch it in the terms of schools -- meaning schools and principals -- having to make decisions about what they're going to do, when in fact the plan and the decisions are going to be -- are going to rest on you. The Department of Education has to come up with the plan. You don't leave it to individual schools.

And I've spoken with dozens of principals, in my area as well as throughout the city, who are concerned about the class-size issue, and rightfully so. Because they are concerned that the Department of Education, that they're going to get an email from the chancellor that says, These are your new limitations, you're now going to have to figure out how to get there in the next five or six years.

That's not how this is supposed to

work, Mr. Chancellor. This is supposed to work in the following manner. A school will have to comply with the class sizes and, to the extent that that school needs to create more space internally, you've got to help them with that. And to the extent that there is absolutely no more space within a school building, in some cases there are -- there is additional land associated with that school. Build out that school, an extension, a new wing.

And in the cases where the school has absolutely no internal space and no outside land to build upon, you've got to build more schools. That's what this has always been about. You know, you look in my area, Northeast Queens, one of the most overcrowded areas, we've got large class sizes, parents are concerned about this mandate because it may mean that fewer children will be able to attend those schools.

But yet you look at the DOE capital plan. There's one school that's going to be under construction over the next 10 years.

That is not a way to alleviate the overcrowding problem.

So I implore you, I plead with you, Mr. Chancellor, don't just simply email the principals and tell them they've got to deal with this. You and your team have to deal with this. And, you know, this is -- you mentioned the 22-student versus 20-student threshold. You know, in the lower grades our legislation requires that 20-student limit. You may not remember where we got that from. Does any of your team know where we got those limitations from, the 20, 23, and 25 students per class? Do you think that I or any of our legislators just simply rolled the dice and said these were good numbers?

Well, if none of you know where those numbers came from, the numbers came from the New York City Department of Education. We can give you the documents.

The point -- the issue is that they are, you know, they're about 15 years old at this point, long preceding your tenure. And this was never a problem of your making, but

it is a problem that you have to address. Fifteen years ago the Department of Education provided documents to the State Education Department justifying how much more Foundation Aid the Department of Education would need in order to provide a sound, basic education. And those Department of Education documents stipulated the numerical limitations of 20, 23, and 25 students per class, depending on the grade level.

Our legislation simply took those recommendations and codified them. The reason we had to pass that limitation is because mayor after mayor and chancellor after chancellor, at least in the four years that I've been in this body, have responded to my questions, to Senator Jackson's questions, to other colleagues' questions about what New York City is doing to reduce class sizes in order to provide that sound, basic education.

And the mayor and the chancellor, whoever that happened to be at the time, would always respond: "We would love to

reduce class sizes, but you still owe us Foundation Aid." Well, guess what? This year we're fully funding the Foundation Aid.

So I take great issue with you and the Mayor saying that that was an unfunded mandate, when in fact the Foundation Aid calculations, which we're now fully funding, were based in part on those classroom limitations.

So I just, you know -- I'll give you a chance to respond if you'd like, but I think this is an issue that the Department of Education and City Hall needs to really get its arms around and fix. And if you need more stuff, tell us what you need. But we're already giving you a billion dollars more each year in Foundation Aid prior -- I'm sorry, after this legislation was passed.

NYC DOE CHANCELLOR BANKS: No, listen, probably no need to go back-and-forth on it. The bill is already passed, right? So it is a law. We are going to have to do everything that we can to implement it.

The question that was raised was

around what challenges did I foresee. And so you may in fact have the class size, and we will meet the mandate of what has been prescribed by the law. We're legally bound to do that.

The question is going to be does it affect anything else. That's what my concern is, that you may in fact have smaller class sizes but have a body of school leadership and parents up in arms because they also now are not going to have as many Community Schools perhaps as they wanted. Or they're not going to be able to have the arts and music programs that they had.

But the sense that we're going to have smaller class sizes and we're going to have everything else that we also wanted, that's the challenge. That's why I said the next couple of years, I think we're okay. But I would welcome an opportunity to do a deeper dive on this. I didn't see a financial impact statement associated with the bill that was tied to this stuff --

(Overtalk.)

SENATOR LIU: But let's talk about the finances just for a couple of minutes here, right? You yourself had said that in order to comply with the class size mandates -- which, again, came from the Department of Education itself, in the calculation of Foundation Aid in the first place --

NYC DOE CHANCELLOR BANKS: Many years before I was here, but --

SENATOR LIU: Understood. I said this was not a problem that you created.

NYC DOE CHANCELLOR BANKS: That's right.

SENATOR LIU: But it is a problem that is your responsibility to address.

NYC DOE CHANCELLOR BANKS: Sure.

SENATOR LIU: Okay. And that's what we're addressing here.

After the class-size mandate legislation was passed, last year, in fiscal '23 -- actually, this year that we're coming up on the end of -- New York City got an additional $600 million in Foundation Aid. This coming year I fully expect, because the

Governor fully supports it and we have a tremendous amount of support in the Legislature, that the City of New York will get, on top of last year's increase, which was an increase on top of the previous year, this coming year you will -- the City of New York will get yet another $600 million in Foundation Aid.

So just since we have this class-size discussion, the City of New York is going to get 1.2 billion a year more in Foundation Aid, which was always supposed to provide that sound, basic education which cannot be achieved if class sizes are excessively large, by DOE's own definitions.

So I ask you, you know, there's not that much time left, but I ask you to stop thinking about this as an unfunded mandate or something that was not your problem. It wasn't your problem; you never created it. But it is a challenge that you need to fix. And I have every expectation that you're able to do so if you'd just simply get past the unfunded mandate idea and the issue -- the

idea that it's up to the schools to fix it themselves. No, they can't fix it themselves. You need to work hand in hand with the principals to make sure that the goals are achieved.

NYC DOE CHANCELLOR BANKS: And we will. We're going to do everything that we possibly can, and we're going to engage those principals and the parents in this process as well, for sure.

SENATOR LIU: Thank you.

NYC DOE CHANCELLOR BANKS: Thank you, sir.

SENATOR LIU: Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

Next, Assembly.

CHAIRWOMAN WEINSTEIN: Jo Anne Simon, three minutes.

ASSEMBLYWOMAN SIMON: Thank you.

CHAIRWOMAN KRUEGER: Microphone.

ASSEMBLYWOMAN SIMON: There we go, sorry. It's not as sensitive as I'd like it to be.

I have a couple of questions,

actually, for you, one of which goes to the issue that Senator Liu was discussing about class size, and the fact that there are no visible signs that the schools are doing anything to plan for this. Now, if you want to have some sort of study, you guys need to talk about that. So I wanted to say that.

And the other thing I want to know is I know there's been some training of people with dyslexia, like a two-hour introductory kind of thing. If you could tell me exactly who that was, whether it's the reading teachers, the reading coaches, whatever.

And then the other thing is we've got half a school year gone by, but there have been no letters sent yet to families of students with disabilities letting them know about this new section in the IEP that was created and the availability of those services for students who have really suffered learning loss through the pandemic.

And so I'd like to know about the availability -- what you're doing to tell parents about the availability of

compensatory services and this new section that's going to be on everyone's IEPs.

FIRST DEP. CHANCELLOR WEISBERG: Good afternoon, everybody.

ASSEMBLYWOMAN SIMON: Hi.

FIRST DEP. CHANCELLOR WEISBERG: And good afternoon, Assemblymember Simon.

So the issue of compensatory services is something that our folks are working on very, very hard. We'll find out exactly what the plan is on communication. This is really important. As you say, we want to make sure that every family that has a student with a disability understands that they are entitled to these services. They are in fact being provided, but we want to make sure that they're available more widely.

I'd also just note, parenthetically, as you well know, this also is the subject of active litigation, so we're making sure that we're respectful of the court's rule on this as well. But this is something that we are working on right now as we speak.

ASSEMBLYWOMAN SIMON: And do you know

how many students have been found eligible this year for those compensatory services?

FIRST DEP. CHANCELLOR WEISBERG: I'm sorry --

ASSEMBLYWOMAN SIMON: The number of students that have been failing thus far.

FIRST DEP. CHANCELLOR WEISBERG: I don't have that, but we'll get that right to you.

ASSEMBLYWOMAN SIMON: Thank you. Appreciate it.

CHAIRWOMAN KRUEGER: Thank you.

Chair of Education Senator Shelley Mayer, 10 minutes.

SENATOR MAYER: Thank you. Thank you very much. And, Mr. Chancellor, good to see you --

NYC DOE CHANCELLOR BANKS: Good to see you.

SENATOR MAYER: -- and your team, as always.

First question -- and as you said, you know, you're sort of tired of this charter conversation. But it is before us in the

Legislature. So how much did New York City DOE spend last year on charter school costs for children who went to charter schools?

DOE CFO SCOTT: Can you hear me?

SENATOR MAYER: Yes.

DOE CFO SCOTT: Thank you. So we spent nearly --

SENATOR MAYER: Can you pull it closer?

DOE CFO SCOTT: Sure. Is this better?

SENATOR MAYER: Yes.

DOE CFO SCOTT: So we spent nearly $3 billion last year.

SENATOR MAYER: I could not hear.

DOE CFO SCOTT: Can you hear me? Is that better? Yes, okay.

So we spent roughly $3 billion last year.

SENATOR MAYER: Okay, just to follow up. So you spent -- I think the New York City Comptroller said 2.9, so 3 billion is about it. And is that about 10 percent of the New York City DOE's budget?

NYC DOE CHANCELLOR BANKS: Well, the

overarching budget is, what, 37.6 billion.

SENATOR MAYER: Okay. Okay. And with respect to rent costs that the city picked up for charters that you have to pay rent for, what is that cost for last year?

DOE CFO SCOTT: That's roughly $200 million.

SENATOR MAYER: Say it again?

DOE CFO SCOTT: That's roughly $200 million.

SENATOR MAYER: $200 million.

And with respect to collocation, how many charters are collocated in traditional public school buildings?

FIRST DEP. CHANCELLOR WEISBERG: Sorry about the delay, Chair. About 146 charter schools are collocated in DOE sites.

SENATOR MAYER: And of those, do you have the breakdown of the grade levels of those particular schools?

FIRST DEP. CHANCELLOR WEISBERG: We don't have that with us, but we'll get that to you very quickly, Chair.

SENATOR MAYER: Okay. And I

appreciate, Chancellor, that you would like not to weigh in on this conversation and that we should ask the Mayor, but with respect to your focus on children in traditional public schools, as you announced it, would you agree that an increase in the number of charter schools above the current cap would potentially impact the finances of the New York City DOE with respect to providing the range of services you have led on, and would minimize the amount of money you have to spend on those traditional public school students?

NYC DOE CHANCELLOR BANKS: Yeah, I think it presents -- it does present challenges for us, absolutely. And so when I said I didn't want to weigh in, what I essentially meant here is that the ultimate decision around whether or not you increase the cap or lift the cap is not my decision and that my focus is really on the young people that we're working on in the traditional public schools.

But I also -- I visit charter schools,

I engage with charter school leaders as well. I don't see this as an us and them for my purposes. But I do recognize the challenge that we do have, particularly as relates to collocation. And even when we don't have to collocate, we're still mandated by law, for schools that are approved as charters, to pay for the rent for where they're going. And so that does have an effect on our overarching budget and what we can do. That's for certain.

SENATOR MAYER: Do you have an opinion on the current law which allows, for example, a charter that is K-3, to expand its grade levels without going back for additional approval?

NYC DOE CHANCELLOR BANKS: I don't have a particular opinion on that one way or the other. If a charter has been doing good work and the parents and the families in the community support that charter and want to see the expansion of that charter, I say far be it from me to say that, you know, I know best for those parents and those families.

What I'm trying to do, and I think this was the general tone of what I was trying to say, is that my focus has been on these traditional public schools and that we don't -- I'm working every day really hard to try and improve the quality of those schools. Those are the schools that were put under my charge.

And so I'm not anti-charter, I don't have any issues with any one. I simply want to ensure that I'm providing the level of support and investments to help these kids who are sitting in the traditional public schools. That is what my responsibility is. And I need all the resources and the dollars that I can get to do that. And we need as much support from the families and the communities.

And I also want to make the -- our schools every bit as much of a choice as parents make to go to a charter school. I see that also as part of my responsibility. And I think lots of times parents don't choose to go to a traditional public school

because oftentimes they're also not aware of how wonderful and unique some of these schools really are. We have not had a good marketing campaign for the traditional public schools. And I think lots of charters -- not all of them, but many of the charters have a very strong marketing strategy. And God bless them. I want to increase that for us.

I want to be able to tell the stories of the wonderful work that is going on in our -- we have some of the best schools in this country as traditional public schools, that people don't know anything about. And so that's a big part of what we're trying to do is to change this narrative around our public -- and I'll give you a classic example. I don't refer to it anymore as the DOE, and I invite you to join me in that. I refer to it, as you can see on my pin, New York City Public Schools.

The DOE is a bureaucracy. When you say it, it sounds cold and uncaring. If I said -- if I asked you to go to Chicago, you would hear the name of their school system as

Chicago Public Schools. If you go to Denver, it's Denver Public Schools. It's Atlanta Public Schools. We're the only school system in the entire nation that refers to ourselves as a department of. That's a federal thing. That's a -- that's a bureaucracy. If you want parents to feel more engaged, language matters as well.

And so I know it's an old habit, it's very easy to say DOE, but I also invite all of you to join us in that process of shifting from DOE and we're referring to it as New York City Public Schools. It lands differently on parents and families when they hear that.

That is just one step of what we're trying to do, to make the parents' experience much more user-friendly, much more warm and engaging, while still academically rigorous. And telling our parents and communities about the phenomenal schools that we have. And many of them I've visited with some of the members in this room who have got great schools in their district.

But we've not done a good enough job. We're working really hard to lift that up, Chair.

SENATOR MAYER: Thank you. Thank you. I don't mean to rush you, but we have limited time.

NYC DOE CHANCELLOR BANKS: I know.

SENATOR MAYER: So, question, how many new migrant children will you have -- do you currently have or you anticipate having over the next school year? What is the anticipated cost associated with that?

NYC DOE CHANCELLOR BANKS: Well, our rough estimate is it's over 12, 13,000 now. And when I say rough estimate, what I mean by that is we don't check students for their immigration status coming in. So we're working on a different set of criteria --

ASSEMBLYWOMAN SIMON: I understand.

NYC DOE CHANCELLOR BANKS: -- as we gather that intel.

But the numbers are growing every day, and so I think the latest count I got was somewhere in the 13,000 range of students who

are actually in our classes -- maybe a little bit higher, even, now.

But with respect to costs and associated costs with that --

DOE CFO SCOTT: So in terms of the associated costs with those students, we're spending at this point about $20 million.

SENATOR MAYER: $20 million dollars.

DOE CFO SCOTT: Yes.

SENATOR MAYER: And these were costs that honestly the New York City Public Schools did not anticipate when you were budgeting for this year in the prior year. That's why I'm asking about that.

DOE CFO SCOTT: That's correct.

NYC DOE CHANCELLOR BANKS: Yes, we certainly did not anticipate this --

SENATOR MAYER: And in the Governor's Executive Budget I don't recall there being an additional appropriation for the costs associated with these children, is that right?

NYC DOE CHANCELLOR BANKS: As far as we are aware, right?

DOE CFO SCOTT: Yup. Yup. As far as we understand.

SENATOR MAYER: With respect to mental health funding for New York City Public Schools, Commissioner Rosa talked a little bit about the RECOVS program that we granted last year, and unfortunately the money has not gone out the door for a number of reasons.

What are you doing, in my minute left, to address some of the mental health and social-emotional needs as a result of COVID school issues?

NYC DOE CHANCELLOR BANKS: Yeah. A certain number of things.

So first of all, one of the things that we did in New York City and together working with New York City Council, we ensured that every school in New York City actually has the funding to hire a social worker in their schools, which was a huge lift for our schools. And very timely, particularly to try to meet this moment here. And so that is something that we're very,

very proud of.

We've enhanced a number of Community Schools, which have built in -- many of them have built in those additional supports and resources for young people who are struggling mentally. We're up to about 400 Community Schools now, an increase since I've come in of an additional 75, and growing.

We launched something that we call Project Pivot, which plays multiple purposes. And Project Pivot is in how many schools now that we've launched? About 130 schools. Project Pivot, it's designed to help meet the safety need. We have lots of shootings, as you can see, on a daily basis in this city. And so we've engaged community-based organizations, they're providing safe passage, but many of them are also providing mental health supports for our kids as well.

We're really getting ready to launch a mindfulness initiative. We're going to be -- breathing exercise, and teaching kids how to center themselves. This is no small thing. This is something coming directly from the

Mayor, and a huge initiative of his and something that we are -- we're very concerned of and very, very focused on.

And the last thing I will say on that issue as well -- it's not been launched yet, but it's coming. And when the Mayor comes, maybe you can ask him about this, together with the Department of Health & Mental Hygiene, a program for high schoolers for -- a program for tele-mental health services. A young person that's feeling themselves in crisis being able to, right on their phone, be able to connect with an expert and somebody -- you don't have to set up an appointment, you don't have to go anywhere.

CHAIRWOMAN KRUEGER: Chancellor, we're going to have to cut you off --

NYC DOE CHANCELLOR BANKS: You're in crisis in that moment, you'll be able to -- I'm so sorry.

CHAIRWOMAN KRUEGER: You've used up your time for now, I'm sorry.

SENATOR MAYER: Thank you.

CHAIRWOMAN KRUEGER: Thank you,

Shelley.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Bichotte Hermelyn.

ASSEMBLYWOMAN BICHOTTE HERMELYN: Hello, Chancellor Banks and team. Thank you for being here.

And I want to just thank you, Chancellor, for your leadership, your investment in children, in our school system and just -- all over New York City, and just for your leadership team as well.

NYC DOE CHANCELLOR BANKS: Thank you.

ASSEMBLYWOMAN BICHOTTE HERMELYN: I do want to give a shout out to your Deputy Chancellor Kenita Lloyd and your team member there, Mark Treyger, who's a former Councilmember, chair of the Education Committee, and my former colleague. And also your Chief Equity Officer Karine Apollon, who's been doing a lot of efforts around MWBE.

NYC DOE CHANCELLOR BANKS: Yes.

ASSEMBLYWOMAN BICHOTTE HERMELYN: I

have different questions. I wanted to talk a little bit about the Diwali holiday. I know that there's support from the Department of Education as well as Mayor Eric Adams on a Diwali holiday. And as you know, it's to be an official school holiday supporting Hindu, Sikh, Buddhist and Jain, to recognize that.

And the legislation is sponsored by my colleague Assemblymember Jenifer Rajkumar and Senator Joe Addabbo. By the way, fun fact, I got engaged on Diwali in 2020, by the way. And my son has some South Asian lineage.

I wanted to say that this legislation right now seeks to repeal the Brooklyn-Queens Day. And I wanted you to just speak a little bit about why the repeal of Brooklyn-Queens Day is appropriate, and why is it important to accomplish this year.

NYC DOE CHANCELLOR BANKS: So first of all I would say that the recognition of Diwali as a citywide holiday I think is a great idea. It is something that I fully support; it's something that the Mayor fully supports. The challenge that we have is the

number of days that we must meet for all of our students.

No matter what, we have to ensure that our students are in school for 180 days. There are all kind of financial implications if we do not meet the 180-day mark. And so when you start to add up all the other days, particularly over the last several years, the additional holidays where we are closing schools, it has reduced the buffer that we have. Because when we recognize all of these holidays -- and we should -- if we wind up with a major snowstorm and nobody -- or kids can't come to school, or some other emergency that ensures that kids can't come to school for whatever that reason might be, we are now faced with the dire circumstance of potentially not meeting the 180-day mark.

Now, we're trying to buffer that with our virtual learning opportunities, and that's one of -- I think one of the benefits that came out of the pandemic, is that our schools are much more versed now in how to do school virtually, at least for a day or two.

And so we're trying to position ourselves, and we've been working really hard, that if an emergency presents itself, that we don't have to declare it a total non-school day, but it can be a virtual school day, which would still count.

The point I'm making here is simply that we are running out of days. And we took a look at Brooklyn-Queens Day, also called Anniversary Day -- you know, it's a bit of an archaic day that, you know -- all the kids in Brooklyn and Queens love to have the day off, but I don't know that it has any much more significance than that. That's a day that you could certainly, as a body, look at to say if you get rid of that day, you can honor Diwali.

ASSEMBLYWOMAN BICHOTTE HERMELYN: Thank you.

NYC DOE CHANCELLOR BANKS: Thank you.

CHAIRWOMAN WEINSTEIN: To the Senate.

CHAIRWOMAN KRUEGER: Thank you very much.

Chair Iwen Chu, for Libraries.

SENATOR CHU: Thank you, Madam Leader. Yes, thank you, Chair.

How are you, Chancellor? Good to see you here.

NYC DOE CHANCELLOR BANKS: Great, how are you? Thank you.

SENATOR CHU: It's regarding -- I have a question about the class size. I know you just mentioned average New York City school class is 22 students. But I happen to represent the most crowded district in Southern Brooklyn. It's 90 percent of the schools -- public schools in my district, they're overcrowded. They're utilized -- they're 125 percent overutilized. And we're talking about the Queens District 25, District 26, they're also 90 percent and 80 percent overutilized.

So how do we address this? Because being an educator, we don't talk about average. We also need to take care about the two extremes, those that are under, those that are over. How do we address those over capacity? My daughter, her school is an

amazing public school. But this one year, her lunch break is at 9:45 in the morning. That's how we are over capacity. Every student, every class is at 30 to 33 kids in the class.

So I understand average in New York City is 22 students, but we're talking about certain districts where it's 30 to 33 kids.

NYC DOE CHANCELLOR BANKS: I appreciate that. And I'm in complete agreement with you. And we're going to do everything we can, we're going to work to get those numbers down. We are now mandated to do that. And we will do that, through whatever means that we have to do it.

So if that's creating more schools, adding more classrooms, hiring more teachers, we're going to do what we need to do to meet the mandate.

Prior to the law being finalized, the argument that we were making was to say -- and I get the point about average -- that there are certain districts in the city which have significant overcrowding issues. Let us

work to solve those. That would have been our preference. We think it would have been a lot less costly to do that, particularly at the high school level, where a lot of the high schools are bursting at the seams -- let's focus on the high schools.

But the law says it's everybody, every class, K through 12. Which, again, it's within your prerogative to do that, and you have as a body. It is now the law. And we've been given a five-year run, starting in September, to make sure that we are implementing that. And we are going to do that.

I was just asked initially just around the challenges that were associated with it, and I think the challenges are real. I think ultimately we're going to get the class size down. The issue is simply going to be do we get the class size down and schools are going to lose other opportunities. And when you ask -- when I've spoken to many principals -- not all, but I've spoken to many principals who have said to me -- and parents -- class

size is not an issue for us, we wanted to see additional funding for arts programs and music programs. But now that funding, you know, I'm going to have to address the class-size issue.

I know we'd like to assume that we're going to be able to do it all. We will see. That's why I just raised it -- I didn't sound the alarm, I simply said, we've got a couple of years to look at this because we -- what we're projecting with our numbers is that Years 3, 4, 5 is when you're going to see a crunch. And maybe we can get ahead of that. That's the reason why I'm going to start to bring these parents and community members, educators, together, and we're going to do everything we can to try to mitigate all of it.

SENATOR CHU: I appreciate that. I just want to share that I used to serve on CC20, and that was about five to six years ago, and that overcrowding issue has been over a decade. And that specific district, we were there in need of over 10,000 seats.

And my kid, she's right now in high school, and we're talking about a decade. So our kids, their education being an overcrowded situation over a decade.

So I don't see like -- I understand maybe -- we also would like to address art, music, enrichment, yes. But kids' education in a crowded situation also needs to be addressed.

NYC DOE CHANCELLOR BANKS: I got it.

SENATOR CHU: The next one is about your opening remarks. I'm happy to see many things here, but there's one thing I specifically would like to point out. It's about the Gifted & Talented program. I appreciate last year you opened and expanded 100 seats in the citywide. I would like to know, do you know roughly right now in New York City how many Gifted & Talent seats from K-8?

NYC DOE CHANCELLOR BANKS: Yeah, I can pull up the number for you.

SENATOR CHU: Sure. And how many percentage or like how many kids who take the

test or would like to join the Gifted & Talented program. And how many seats we're offering, how many percentage --

NYC DOE CHANCELLOR BANKS: I can get the specific numbers for you. We certainly did an increase. And I think the biggest part of that is, you know, prior to our coming in, the prior administration had talked about doing away with Gifted & Talented.

But we -- and I didn't come in with a position on it one way or the other. We listened to what the community said to us. From District 20 to District 29, folks said to us: Don't get rid of it. If anything, we need you to expand it.

And if you want to ensure a level of equity, you don't do equity by just saying there's not going to be any Gifted & Talented for anybody. But ensure that you -- so we've put Gifted & Talented programs now in every district in the city, and we're going to watch it, we're going to monitor it, we're going to see how they're doing. And where

there's a greater demand for it, we will do that.

We have one district which really pushed back and said they philosophically don't believe in Gifted & Talented and would prefer not to have it. And we're going to leave it to that district, but what we've said to them was, Let the parents vote with their feet. If the parents tell us they want it by signing up, we'll make it available. If they do not, we'll take those resources and we'll give it to another district that's looking for it.

So again, I'm not an ideologue on the issue. If we want to get more parents and families to come back to our schools, we have to meet them where they are. So it's not simply about what do I believe, it's what do the parents believe and what do they want? And I'm working really hard to listen, authentically listen and try to respond. And every district is not the same.

SENATOR CHU: I agree.

NYC DOE CHANCELLOR BANKS: Right?

This is New York City. The whole world lives here, and they have very different opinions on lots of issues.

And so I'm trying to do my best to be as responsive by listening.

SENATOR CHU: I really appreciate you opening up the channel and for parent engagement, parent involvement, that's really important. And is there any school district in New York City right now with parents who have advocated to have a Gifted & Talented program and they don't have anyone in their school district? Do you have that data?

NYC DOE CHANCELLOR BANKS: Parents who have advocated to have --

SENATOR CHU: They would like to have a Gifted & Talented program in their school district but they don't have it.

NYC DOE CHANCELLOR BANKS: No, no, because we -- we put it in every district. So every district has the Gifted & Talented program.

SENATOR CHU: At least one now.

NYC DOE CHANCELLOR BANKS: Yeah, at

least one now.

Yeah, the question for us going forward is going to be who gets more Gifted & Talented programs because that's the demand from that community, versus less because there's less of a demand for it. So we're just trying to meet the demand.

SENATOR CHU: Thank you.

NYC DOE CHANCELLOR BANKS: Thank you.

SENATOR CHU: That's all.

CHAIRWOMAN WEINSTEIN: So we go to Alicia Hyndman.

ASSEMBLYWOMAN HYNDMAN: Can I have the remaining minutes from the Senator?

(Laughter.)

ASSEMBLYWOMAN HYNDMAN: Thank you, Chair.

Thank you, Chancellor Banks. It's good to see you and your team.

I've witnessed a dramatic change in leadership in District 29 with Superintendent Bonds and Superintendent Van-Ess. And I really believe leadership does make a difference, because the principals have been

more accountable and communication with parents has been better, because I've received less calls in my office. So thank you.

(Laughter.)

NYC DOE CHANCELLOR BANKS: That's the metric for success, right?

ASSEMBLYWOMAN HYNDMAN: Right, it is.

Just a couple of quick questions. Is there any mechanism that exists within the DOE to track the dollars that come back to the district regarding the charter school students who leave a charter school and come back to the traditional public schools? Has there been any way to track those dollars, a mechanism to track those dollars?

NYC DOE CHANCELLOR BANKS: One of the things I know we've heard quite often is the notion that the charters keep the kids up until a certain --

ASSEMBLYWOMAN HYNDMAN: October 31st.

NYC DOE CHANCELLOR BANKS: -- they get the dollars, and then they get rid of them, and they go to the traditional public

schools.

I think that's a little bit of an urban myth. And Emma can speak to you a little bit about that.

ASSEMBLYWOMAN HYNDMAN: I've been asking colleagues about that, so that's -- across the state, so it's just -- it's becoming a concern. Which is why I asked if there's an actual mechanism.

DOE COO VADEHRA: Can you hear me?

ASSEMBLYWOMAN HYNDMAN: Mm-hmm.

DOE COO VADEHRA: Yes, thank you so much for the question, and appreciate it. It's definitely something we hear a lot.

So the way charters are funded is they're funded bimonthly based on how many students they have. So if their student enrollment goes down, their budget does go down that they are receiving from us. And so that tracks them over the course of the year.

We don't track each of those dollars dollar-for-dollar if a student comes back. But the way they're paid means if they lose a student they're no longer getting funded for

that student on a bimonthly basis.

ASSEMBLYWOMAN HYNDMAN: Okay, thank you.

In the 20 million that you mentioned that it has cost our public schools with the influx of migrant students, does that include extra professionals -- teachers, paras? Does that include that number? You're nodding your head yes?

DOE COO VADEHRA: Yes.

ASSEMBLYWOMAN HYNDMAN: Okay.

DOE COO VADEHRA: So, first of all, thank you for that question --

CHAIRWOMAN KRUEGER: Okay, ladies, if you both could speak louder when you answer, because we're having a little trouble hearing up here.

DOE COO VADEHRA: Hold on. Thank you very much for the question.

So first of all I just want to clarify the question. So you had asked how much additional funding is going out to support these students. The 20 million that Seritta mentioned is additional funding we've just

given to a set of schools for services like that. You got a particular influx of students, we will give you some money on top of your regular per-pupil funding just to do things like hire dedicated staff or buy specific curriculum or books for those students.

In addition to that 20 million, to your question, it's also true that each of those students receives a per-pupil allocation under our formula. Right? So the 20 million is just the money on top. But in addition, those schools do get a per-student amount. And we think that's -- as the chancellor said, the numbers are hard to calculate since we don't exactly know, but it's roughly in the $80 million range. So that's the 80 million on top of the 20 million.

ASSEMBLYWOMAN HYNDMAN: Okay, thank you. My time is up. I'll refer my other questions to Mark and Katie. Thank you.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator Tedisco. Ranker, five minutes.

SENATOR TEDISCO: Thank you, Chancellor, for being here today.

Got a question about -- there's several different reasons why it's difficult for children to learn sometimes. They come -- you know, I was a special education teacher. Kids had different challenges, they came from different homes.

We're talking about making sure all our kids in our schools get fed lunch and breakfast. Think it's a great idea, an important idea. You can't learn if you're hungry.

NYC DOE CHANCELLOR BANKS: That's right.

SENATOR TEDISCO: You can't learn if you're being bullied either. I'm wondering, in your schools how much of that is taking place in terms of bullying, violence related to that? What are the policies that are being developed or utilized to deal with it? And are parents involved at all in those

policies?

NYC DOE CHANCELLOR BANKS: It's a great question.

It is not my understanding that we have a bullying problem. So what I mean by that is when there -- there have long been cases where, you know, kids -- kids can sometimes be very cruel to one another, right? And some of it is bullying and some of it is horsing around and not being nice. It looks different at different age levels as well.

But what we have done, in refining our governance structure and having these superintendents in place in the way that they do and the way that they convene their principals on a regular basis, the hot-button issues are always brought to my attention of the things that we at my level really need to zone in on because they're deeply problematic. Bullying has not been one of them.

I think our kids have come back after this pandemic with many of them demonstrating

a level of trauma, and -- but even just being back in the organization of school has been very, very helpful to them. That's why getting our schools open was so critically important. The teachers who love and care for them makes all the difference in the world.

But the notion of kids bullying other kids has not been something that for the last year or so that I've heard much about at all. And we've got protocols in place to deal with that. At the school level, parents are in fact notified if we have issues -- the parents of the child that's doing the bullying, a child who has been bullied -- and if we feel that there's a -- we've got to bring folks together for some level of mediation around that, we do that.

But it's not something that's reared its head as a significant problem for us. I'm sure we have it here and there, but not when it's an overarching problem.

SENATOR TEDISCO: I believe the law in New York State defines that if a bullying

incident takes place, the administration has to report it to the State Education Department. Are there any statistics or data on how many times this type of instance happened?

NYC DOE CHANCELLOR BANKS: I'd have to check on that. That's not -- we will check on that and we can get that back to you.

SENATOR TEDISCO: Yeah, I'd be interested to know, because what the law doesn't say is you are mandated to also report it to the parents, the family members, whether it's the child that, as you said, bullied or the child that is being bullied.

And I don't know if you were here earlier when I asked a question about Jacobe Taras, who was in my district. I have a bill called Jacobe's Bill.

NYC DOE CHANCELLOR BANKS: Where is your district?

SENATOR TEDISCO: 44th Senatorial District. More Saratoga, Schenectady right now.

But he was bullied very much. The

requirement was not that it had to be notified to the parents. We ask them to do a lot with our schools. He committed suicide. And when you leave parents out of the equation with something as important as that, that seems to be disturbing to me. I passed that bill a couple of years ago when we were in the majority, and I asked the people in the room, Raise your hand if you would not want to know that your child was being bullied or had a bullying activity in their school. Nobody raised their hand.

But yet we can't get that bill passed in the Senate or the Assembly or signed by a governor. I don't really understand that.

NYC DOE CHANCELLOR BANKS: Well, I support you in that, and I will tell you that that would be completely unacceptable under my leadership.

SENATOR TEDISCO: Because I know schools can report it.

NYC DOE CHANCELLOR BANKS: Yeah, absolutely.

SENATOR TEDISCO: But unlike they're

required to report it to the State Education Department, they are not required to report it to the --

NYC DOE CHANCELLOR BANKS: I can't imagine any of our schools reporting an incident of bullying to the state and nobody ever called the parents and got the parents involved. That would be completely unacceptable. Whether that was written into the law or not, the basic protocol of leadership and how you work in a school, engaging parents and families, absolutely, they have to -- parents would have to be involved in that entire process.

SENATOR TEDISCO: So you'd support a piece of legislation that says that requirement is not only to SED but to the parents, both sides of the parents should be notified.

NYC DOE CHANCELLOR BANKS: Well, without knowing any more than that, it certainly sounds good to me for sure.

SENATOR TEDISCO: Okay, appreciate it.

NYC DOE CHANCELLOR BANKS: Appreciate

you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Jackson.

ASSEMBLYWOMAN JACKSON: Thank you.

Hello, Commissioner. Always great to see you.

NYC DOE CHANCELLOR BANKS: Good to see you.

ASSEMBLYWOMAN JACKSON: Thank you for visiting your old school, Law, Government and Justice, after a student was stabbed. And I'm grateful to have you, your team -- Mark is great.

I love that you talked about safety today and the Pivot -- what was it, Pivot?

NYC DOE CHANCELLOR BANKS: Project Pivot.

ASSEMBLYWOMAN JACKSON: Project Pivot. I would love to hear more data about that.

I did bring up safety with my schools. My students are telling me that they don't feel as safe when they're leaving -- arrival

and dismissal, because they may have one school safety officer, and it's an older person that really can't do much if something really broke out.

And one of the things that I brought to their attention, and I brought it to the Mayor as well, is that maybe we should be having trusted adults there for arrival and dismissal instead of a police presence, because that's what the students are saying they would not feel safe with.

NYC DOE CHANCELLOR BANKS: That's right.

ASSEMBLYWOMAN JACKSON: And so Project Pivot sounds like that would be what would be helpful for the arrival and dismissal piece, and safety.

So I just would love to know that that would be a part -- if it's not already existing, that that would be a part of Project Pivot.

But my questions are around other ways to keep our students safe and what you think this would cost. We've been talking about

having schools open 24 hours. We know Community Schools work, we know CTEs work. And they work because they're wraparound. So if we had our schools open 24 hours where students can fall in for whatever reasons they need to, I would like to know, like, is this something you all would be interested in? Can we create a cost analysis to figure this out? Like any thoughts on our schools being open 24 hours?

And then what funding or programs are needed to get more teachers of color to teach students of color. We know that that helps with graduation rates and that sort. So I'd just love to talk about those two things.

NYC DOE CHANCELLOR BANKS: Well, listen, first of all, Member Jackson, thank you so much for raising this. This is the issue that keeps me up at night. And it is heartbreaking for me. These kids are not numbers for me even when I don't know them. Every time I hear about another child that is shot or stabbed, it is -- it's -- it is beyond sad for me and evokes a whole range of

emotions that I have. I'm a father of four children, including my only daughter, who is a teacher at my original school, the Bronx School for Law, Government and Justice in your district, my daughter Alleya.

And I go and I visit these schools and I'm visiting these parents, and the school communities, it is just -- it's heart-wrenching what is happening. And we're working really hard to try to get in front of this and figure it out. The proliferation of guns and the amount of guns and weapons -- we have seen a significant uptick in weapons brought into our schools -- is my time up? Oh, gosh.

CHAIRWOMAN KRUEGER: Yes.

CHAIRWOMAN WEINSTEIN: Yes. Thank you, Chancellor.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Yes, for the Senate we have Senator Robert Jackson.

SENATOR JACKSON: Chancellor, to you and your team -- and I'm going to go pretty

quick because all I have is three minutes and I need 45.

(Laughter.)

SENATOR JACKSON: But -- so my question is that there was a hearing at the City Council that there would be a gap of $700 million that your team testified to. What is the DOE's plan to sustain the important programs that are funded with that money? Social workers you mentioned. I want to know, how many social workers do you have in the system? And how much did you give to each district -- I mean, each school to hire a social worker? And all the other programs, the psychologists and nurses and 3K programs. How are you dealing with that money? So that's the number-one question that I have.

If you can answer that and as quickly as you can so I can get to my other questions.

NYC DOE CHANCELLOR BANKS: Okay, why don't we start -- Dan, why don't you start.

FIRST DEP. CHANCELLOR WEISBERG: Yes, sir, Senator.

So I think you're referring to the stimulus money --

SENATOR JACKSON: Speak up a little louder, sir.

FIRST DEP. CHANCELLOR WEISBERG: Yes. I think you're referring to the stimulus money that is expiring?

SENATOR JACKSON: The money that you're allocating for every social worker.

FIRST DEP. CHANCELLOR WEISBERG: Yes, the money that we're allocating for every social worker, that is tax levy money and stimulus money. We're obviously -- I don't have the amount off the top of my head, but there is a cliff coming that we're going to have to work very hard with each of you to make sure we preserve those services that are funded by stimulus. We'll get you the number.

SENATOR JACKSON: Okay, so you're anticipating you have enough resources outside of that stimulus money in order to continue the social workers? Is that what you're telling me? Yes?

FIRST DEP. CHANCELLOR WEISBERG: We don't have them identified now, Senator, no. We would have to work on that.

SENATOR JACKSON: Okay. Now, talk about charter schools -- and in fact, if the Governor had her way, a hundred more charter schools would come to New York City. And based on the laws previously passed by Bloomberg and Governor Cuomo, charter schools can expand not in the same area, anywhere in the city, as a result of that charter.

So what will be the devastating effect of 300 new charter schools in New York City?

NYC DOE CHANCELLOR BANKS: Well, it will have financial implications on us and our budget and our schools, that's for sure.

And, you know, other than that, you know, the issue, as I said, it's a political issue that you all have to take up. But will it have an impact? Of course it will.

SENATOR JACKSON: Okay. Also we talked about cutoff funding. People say that children are counseled out after 10/31. And I would like for DOE and CSA and teachers'

unions in order to track every student that comes into the system after the cutoff date to see how many each year and how much is that costing us as far as money, and how much is continuing -- continuously staying with the charter school. That's important to me from an evaluation point of view.

So I request that CSA, UFT, and the New York City Public Schools -- not the Department of Education -- do those statistics, please.

NYC DOE CHANCELLOR BANKS: Okay, we'll take you up on that.

SENATOR JACKSON: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman De Los Santos.

ASSEMBLYMAN DE LOS SANTOS: Good afternoon, Chancellor Banks. Can you hear me?

NYC DOE CHANCELLOR BANKS: I can hear you.

ASSEMBLYMAN DE LOS SANTOS: Good

afternoon, Chancellor Banks. Welcome to Albany again. It's good to see you here.

NYC DOE CHANCELLOR BANKS: Thank you.

ASSEMBLYMAN DE LOS SANTOS: I want to echo the same concern that my colleague Senator John Liu was alluding to as it relates to class size.

You specifically indicated after Year 3 there will be some complication in terms of the implementation of class size. In essence, you also highlighted that we may have to sacrifice some of the student resources classes in order to create space for class size. And to me, that's a great concern. We should not be removing student resources in order to bring another teacher. I believe there's enough money in the budget, as he clearly articulated, to not have to remove any resources for students.

So can you tell me what will be the associated cost to -- after Year 3 for class size?

NYC DOE CHANCELLOR BANKS: We're looking at -- our projections are that in

order for us to fully comply with class size, we're talking about another billion dollars that it's going to take in Years 3 through 5.

ASSEMBLYMAN DE LOS SANTOS: But we're clear, that money's not an issue.

NYC DOE CHANCELLOR BANKS: And that's not counting -- that's not counting capital expenses to the degree that we're going to have to continue to build more schools and add the requisite number of additional classrooms. That's what we're looking at.

But we certainly welcome an opportunity to sit and do some projections on this to see, you know, what we can do to reduce class size and ensure that we're not losing anything else in our schools.

ASSEMBLYMAN DE LOS SANTOS: That will be great. I look forward to it.

In addition to that, in terms of mental health, what is the associated cost to fully implement mental health services in every Community School?

NYC DOE CHANCELLOR BANKS: You mean in every single school or just the Community

Schools?

ASSEMBLYMAN DE LOS SANTOS: Across the board. Yeah, universal mental health services in every Community School.

NYC DOE CHANCELLOR BANKS: I don't know that we have very specific numbers, but maybe we can work something up on that for you.

But the question becomes what does -- first we have to define what "mental health supports" means. It can mean a wide range of things.

ASSEMBLYMAN DE LOS SANTOS: Well, specifically to have a social worker and a psychologist -- no negotiation -- in every Community School. That should be a must across the board. And also parental engagement, whether the PTA, the parent coordinator, and a specialist, a para-coordinator, that would specifically work to increase parental engagement.

NYC DOE CHANCELLOR BANKS: Well, we have parental coordinators in all of our schools.

ASSEMBLYMAN DE LOS SANTOS: But we're still suffering from lack of parental engagement in our Community Schools. So something needs to be done to ensure that every parent in our school communities is fully engaged.

NYC DOE CHANCELLOR BANKS: Well, listen -- I'm never left with much time to respond. And these are all good questions. If I'm allowed time, I will be --

CHAIRWOMAN WEINSTEIN: There will be opportunity to -- I see your staff taking notes. There's a number of responses that you need to send to the respective chairs of the Assembly and Senate, and we will share them with all the members.

So now we go to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

I think I'm the last Senator on my list. So good afternoon, Commissioner -- Chancellor, sorry. We're used to commissioners up here.

I appreciate the various conversations we've been able to have and your coming to

visit the complex in my district, as you referenced, which is a great set of six schools in one building. So it can work; we know that.

NYC DOE CHANCELLOR BANKS: Absolutely.

CHAIRWOMAN KRUEGER: You answered a question from one of my colleagues earlier that we should ask the Mayor his opinion about the charter school issue. But released data shows that the city is projecting if we change the cap formula and put the zombie charters back in, it would cost the City of New York about $1.3 billion a year. I assume that's your budget.

What does that mean if you have to take 1.3 billion out of your current budget to pay for this increased number of charter schools?

NYC DOE CHANCELLOR BANKS: It has an impact on our budget, for sure. And -- so I don't want to, you know, shy away from that. The expansion on that would -- you know, creates some financial challenges, certainly, for us. So that's my response.

CHAIRWOMAN KRUEGER: And I believe your colleague answered before that you're spending 200 million a year on rentals for existing charters. And then there was a question of how many were collocated. So how many schools is that that you're spending 200 million on?

FIRST DEP. CHANCELLOR WEISBERG: Chair, I would have to get you that number, it's not -- yeah, the collocation number is about 146. And we'll figure out how many schools it is that are getting the rental assistance now. I don't have that right with me, but we'll get that to you.

NYC DOE CHANCELLOR BANKS: The rental assistance total is 200 million. But what number of schools actually is part of that 200 million, we can get --

CHAIRWOMAN KRUEGER: So I guess I'm trying to understand -- if I'm right, if you have additional charters that you have to pay $1.3 billion from an operating perspective, is it reasonable for me to assume that you would also have additional building rental

costs that went with these additional charters, and that's not included in that first 1.2 to 1.3 billion?

DOE COO VADEHRA: It actually is included. So that's the total for capital costs --

CHAIRWOMAN KRUEGER: So you're including it in the capital costs that you project.

DOE COO VADEHRA: And that's the cost for the charter cap and the zombie charters.

CHAIRWOMAN KRUEGER: Okay. Thank you.

So we had had a discussion recently, Chancellor, about your obligations to do the follow-up reviews of schools, mostly the yeshiva schools in Brooklyn, although I'm not sure if they're all exclusively in Brooklyn; I don't want to say that. But the obligation to do follow-up review of these schools and get information back to the State SED and the public.

But in the budget proposal of the Mayor you're actually significantly reducing the number of staff you have in that division

of the Department of Education. So I'm curious what that is going to -- what will that mean? So you have a division that's specifically supposed to work with the nonpublic schools and you're reducing, I think, personnel in there by approximately two staff people, who were supposedly the pedagogical people, if I said that word correctly.

So I'm just curious, how does that jibe with your understanding that you actually have to do more than you've been doing but now you'll have fewer people to do it?

NYC DOE CHANCELLOR BANKS: Yeah, I mean I think that may have been connected to the PEG that we had to respond to, the most recent PEG.

But the reality is that we're following up on that work, we're finishing up that work, we've got to report back to the state, we will do that, will be in compliance with what we've been requested to do. A huge body of that work has already been done, and

we will take it to the finish line. We've lost a couple of staffers in the process -- never helps. But at the end of the day, we have to still do what we have to do.

CHAIRWOMAN KRUEGER: There were quite a few questions in the previous panel -- I'm not sure if you were in the room at the time or not -- about the shortage of teachers; you know, large numbers retiring. I think also shortage of principals.

What do you see the City of New York's trajectory for -- in order to address the fact that obviously not only do we need teachers and principals, we need great teachers and great principals. So are there any new programs that you're starting or that you have found to be successful that we should look to expand and replicate?

NYC DOE CHANCELLOR BANKS: We've not lost a great number of teachers. Even as we have teachers who are retiring, we're bringing in new teachers.

We've long struggled with particular areas, in shortage areas -- teachers in

special education, bilingual teachers, those kinds of very specific shortage areas.

One of the things that we had started a process -- we ran into some problems along the way -- we had worked with some groups around recruiting teachers, bilingual teachers from the Dominican Republic. We're going to continue that work, not only the DR but Puerto Rico and other Spanish-speaking countries where we can get teachers to actually come here to fill some of these shortage areas that we have.

Trying to think out of the box on this in order to do that. But that's kind of where we are.

FIRST DEP. CHANCELLOR WEISBERG: Thank you, Chancellor. Chair, just very briefly.

You know about our Pathways program to make sure all of our students are graduating with a pathway to long-term economic security. One of the pathways we have planned is an education pathway. And we think that's a very promising pool of talent, our own students, that we're not fully

tapping into.

And the other point I would make that I hope is the subject of further discussion with this body and others is just the expense, frankly, that it takes to become a certified teacher. It's very expensive to do. And we can probably work together with our partners at SED and the commissioner and you all to figure out how to create lower-cost pathways that we think would open up new pools of talent.

CHAIRWOMAN KRUEGER: So there's been almost a spate of stories within a few weeks about artificial intelligence software and what it will mean for education in the country. And I'm not even pretending I totally even understand what the issues are. But either -- depending on how you read these stories, either we're bringing to an end our concept of how we educate our children and we're facing an immediate revolution in what happens, or -- and it's very, very bad. Or if you talk to or read about the vendors selling this, it's very, very good. Clearly

it is very good for them. They think they have something to sell us.

These are huge issues, you know, how we educate our children and perhaps ourselves. So where is the City of New York on this?

NYC DOE CHANCELLOR BANKS: Deep in research on it right now. We don't have the answer to all of these. These are emerging technologies. And emerging technologies can oftentimes be scary. You talk about something like ChatGPT, an artificial intelligence tool where you're an English teacher and you give any particular assignment, the students can just audibly go into this platform and say, Write me a five-page essay on this topic, and it will write an essay better than the teacher or the college professor could ever write.

It's -- we have entered into a whole new world and a whole new space. At New York City Public Schools Central we have placed some holds on the use of this technology within the schools. But we're not fooling

ourselves: Kids are accessing it outside of school. They're accessing it at home. The teachers are already using it.

And so we're all -- so I don't -- I don't sit here today pretending to tell you that we've figured it all out. We are grappling with this, together with our educators, to figure out what is the best path forward. It could ultimately turn out to be a great thing. We do not know just yet.

If school exists for the purpose of helping to ensure that there's a body of knowledge that our students ultimately have, we have to work to put certain guardrails in place to make sure. Because if all you need to do is pose the question and put it in your phone and use that as your body of work, then that is not -- that's not what we consider a true education for the particular individual.

So "to be continued" is really the answer. We are studying this as we speak and trying to figure out how to get wrapped around it. And the schools -- yeah, and then

you're right. I mean, while we have kind of put this official hold, individual schools can opt in. But we don't have a systemwide answer on this just yet.

CHAIRWOMAN KRUEGER: So they can opt in to use this somehow as part of the teaching curriculum?

NYC DOE CHANCELLOR BANKS: Yes.

CHAIRWOMAN KRUEGER: But not opt in as telling the kids, yeah, yeah, get the machine to write your paper for you. We're not doing that.

NYC DOE CHANCELLOR BANKS: And -- and -- and the vendors themselves are reinventing this stuff every day, and they're putting on some of their own guardrails so that even when the work is produced, it will demonstrate that it is a GPT-produced document, that students could not forward it as though this was their own work. And they've done this within the last 60 days.

So it is still moving and growing and developing, and we're all learning as we go.

CHAIRWOMAN KRUEGER: I used to think I

would live long enough where we would all be working for Google and Apple, but now I'm wondering whether we will just be replaced --

NYC DOE CHANCELLOR BANKS: Oh, absolutely.

CHAIRWOMAN KRUEGER: -- and not even be needed for any of this.

NYC DOE CHANCELLOR BANKS: I have said I've lived long enough to see so much technology just kind of come and go. I remember I bought my first VCR, and those machines no longer even exist. So ...

CHAIRWOMAN KRUEGER: Please. Anyway, thank you. I've used up my time. Thank you, Chancellor.

NYC DOE CHANCELLOR BANKS: Thank you.

CHAIRWOMAN WEINSTEIN: Next we go to Assemblyman Colton, three minutes.

ASSEMBLYMAN COLTON: Good afternoon, Chancellor.

NYC DOE CHANCELLOR BANKS: Good afternoon.

ASSEMBLYMAN COLTON: I welcome you coming here to Albany as the chancellor of

the New York City Public Schools. And I think it does set a tenor and a tone which I think I appreciate very greatly.

I also identify with and appreciate your comments regarding Mark Treyger as part of your team, because prior to being in the City Council he was part of my Assembly staff team for 10 years.

NYC DOE CHANCELLOR BANKS: Is that right?

ASSEMBLYMAN COLTON: So I have one question I wanted to ask. And basically I was a New York City teacher for 11 years, and during that time I taught an IGC class in fifth grade. And I'm happy to hear that these gifted programs are being extended to all schools. I think that will be very beneficial. It will help meet needs of children no matter where they are, no matter what, you know, where they come from, they will all meet their needs.

NYC DOE CHANCELLOR BANKS: To all districts.

ASSEMBLYMAN COLTON: Yeah. Is there

any update in terms of the possibility of expanding specialized high schools? Because I know in my school, which is in District 13, many students were reading in my -- especially the IGC classes, years above grade level. They passed the SAT. And in fact the majority of students in Brooklyn Tech at that time was basically minority students, African-American and Hispanic students.

So is there any possibility of expanding the specialized high schools?

NYC DOE CHANCELLOR BANKS: We -- that's something we have absolutely been looking at. And again, to respond to requests that we're hearing more from our communities and our parents in our communities.

And so it's all on the table for us: additional schools, additional programs within schools. You know, there are costs that are associated with all of this. And so we've always got to weigh the benefit of doing that, which might prevent us from doing something else. But it is all on the table

for us, and certainly appreciate you --

ASSEMBLYMAN COLTON: Yeah, I think that's very good. And as I said, you know, the dyslexia program initiative I think also is an example of how we need to meet the needs of all students. And your administration has been moving in that direction. So I certainly appreciate that very much.

NYC DOE CHANCELLOR BANKS: Appreciate you. Thank you.

ASSEMBLYMAN COLTON: Okay, thank you very much.

CHAIRWOMAN WEINSTEIN: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Good afternoon, Chancellor Banks.

NYC DOE CHANCELLOR BANKS: Good afternoon.

ASSEMBLYMAN CARROLL: I don't know if the folks here really realize how revolutionary your approach to literacy education is. But I wouldn't be doing my job if I didn't ask you to be a little more

revolutionary. And what I would love to see from what you've done is to finally put to bed the disproven and the poor whole-language curriculum that is still being used in too many of our schools.

NYC DOE CHANCELLOR BANKS: Yup.

ASSEMBLYMAN CARROLL: We know that three-cueing is bunk. We should say it out loud. And we shouldn't allow any single school in New York City to implement it.

Can you right now say that we're going to ban three-cueing and whole language from New York City Public Schools?

NYC DOE CHANCELLOR BANKS: That's where we're going. That's where we're going. I think that the whole-language approach has done a disservice to many of our kids over the last couple of decades at least.

So this whole notion of the science of reading and what we're doing in this place and space -- this is central to everything that we're doing as an administration. And the reality, Assemblyman, is that people are waking up and recognizing this all across the

nation. We've been meeting -- I've met with superintendents across this country who are on the same page.

I do get some push-back from some schools who have been using this as an approach and feel like it works for them. So I have not tried to simply have a one-size-fits-all. But I will tell you, this is our major focus area, this is our priority, and we're going to continue to drive this until we reach the point where every single student in New York City has the benefit of the right approach to the teaching of reading and how they learn how to read. Because if they do not, nothing else that we do even matters.

ASSEMBLYMAN CARROLL: And you know that structured, sequential literacy works best for all students, not just students who have phonological awareness issues or dyslexia, but every single student. The studies prove it. I know you know that. We need to shout it from the mountaintops. We need to make sure folks hear it, because we

are hurting all children when we use whole-language. And you and your team will lead the nation if you are able to root out this cancer in our public schools. It has destroyed hundreds of thousands of lives. If you can't read, it destroys your life. You can't be about equity or justice if you're not about teaching children to read. I know, Chancellor Banks, you and I agree on this. We talk about this.

NYC DOE CHANCELLOR BANKS: That's right.

ASSEMBLYMAN CARROLL: The final thing I'm going to say, though, is that I hope that you keep partnering with schools like the Windward School, the Gateway School, the Gaynor School, the Churchill School. These schools for 50 years were in the wilderness helping children who were pushed out of our schools. Please make sure you keep them in the fold. Please make sure you keep learning from them. They are real, real guideposts and bright lights. We need them, we need to help them.

I thank you for the work you do. I know how courageous it is. I know how difficult it is. Thank you.

NYC DOE CHANCELLOR BANKS: Thank you, Assemblyman, I appreciate it. Amen.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator John Liu for a three-minute second round.

SENATOR LIU: Thank you, Madam Chair.

I didn't get a chance to say this before, Chancellor Banks, but thank you for your embrace of the Asian-American community and including our history in the curriculum in New York Public Schools. Last year you announced that there would be a pilot program. A couple of weeks ago you announced that the pilot program was successful and you are going to implement it across all public schools this coming September.

NYC DOE CHANCELLOR BANKS: That's right.

SENATOR LIU: Awesome.

NYC DOE CHANCELLOR BANKS: Absolutely.

SENATOR LIU: I also really appreciate Assemblymember Rodneyse Bichotte's questions to you and your responses about the Diwali holiday. It's a super-important holiday: 200,000 students and their families celebrate it in the New York area. That's a lot of people.

I just want to be clear that I heard clearly that you're committed to making that a school holiday if we pass Assemblymember Rajkumar and Senator Joe Addabbo's bill to take away the Brooklyn-Queens Day.

NYC DOE CHANCELLOR BANKS: Oh, absolutely. I think the Mayor and I are fully aligned on this.

And again, these are the decisions that are driven by the Mayor. Okay? And I just want to say that while I sit here as chancellor. But when you have a system of mayoral accountability, the Mayor and I are aligned. And so the Mayor has made it a clear priority to see this holiday happen. But we think that the quickest pathway there

is if you can pass the legislation that would allow for removal of Brooklyn-Queens Day, Anniversary Day, that would open up that opportunity.

The Mayor is behind it, and I'm behind it.

SENATOR LIU: So if we pass that bill then you will make Diwali a school holiday?

NYC DOE CHANCELLOR BANKS: Absolutely.

SENATOR LIU: This year.

NYC DOE CHANCELLOR BANKS: That's right.

SENATOR LIU: All right. Are you already up against the limit so that you cannot do so unless we pass that bill?

NYC DOE CHANCELLOR BANKS: Absolutely.

SENATOR LIU: You're at that limit.

NYC DOE CHANCELLOR BANKS: We're already at that -- we're already at that. We've got like I think maybe one day of buffer that we have that if we don't -- if we can't -- we don't want to be in a position --

SENATOR LIU: Well, you just testified that remote learning went so well that if you

needed an emergency day, that's your buffer. So presumably, even if we don't pass the bill this year -- which, you know, I'm a full supporter of, and I'm a cosponsor of the bill, and I'm going to push to get it passed.

But in case -- like, for example, sometimes the Governor takes a long time to sign these bills. You can still make this coming fall the Diwali this coming fall a holiday.

NYC DOE CHANCELLOR BANKS: Well --

SENATOR LIU: Because you have that one-day buffer which you no longer need due to remote learning.

NYC DOE CHANCELLOR BANKS: Yeah. You know, and it -- it varies year to year as well in terms of when that -- where that day actually falls. So I'm not even sure, for this coming fall --

SENATOR LIU: This year, as you know, some people were upset that the Asian Lunar New Year was on a Sunday and therefore there was no recognition of it in public schools.

But last year an important holiday,

Juneteenth -- which I fully support -- that landed on a Sunday and so the following Monday Juneteenth was recognized.

NYC DOE CHANCELLOR BANKS: Right.

SENATOR LIU: We've got to be consistent here. And we've got to get Diwali in there as a school holiday.

NYC DOE CHANCELLOR BANKS: Right. And let's start with your legislation that's going to get it passed. That will be the biggest help, and we'll go from there.

CHAIRWOMAN KRUEGER: Thank you.

SENATOR LIU: Thank you.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblyman Pirozzolo.

ASSEMBLYMAN PIROZZOLO: Hello, Chancellor.

NYC DOE CHANCELLOR BANKS: Hello.

ASSEMBLYMAN PIROZZOLO: How are you?

NYC DOE CHANCELLOR BANKS: Great.

ASSEMBLYMAN PIROZZOLO: It's a pleasure to be here with you today.

I want to talk about two topics, which

are accountability and participation. And I want to start with accountability since we're all talking about charter schools.

I understand the difficulty you might have with your budget. But just as you're saying you have the difficulty integrating technology into the school system, and the school system is always overcome no matter what the budget was or whatever the system is, that working with or alongside charter schools is something that is certainly, I would imagine, within your ability to do.

Especially considering charter schools seem to save lives of children that fall through the cracks of the public education school system, and they are public school students.

So I'd also like to remind this Legislature that it really is our job to make sure that students are educated; whether it's a public school charter student or a public school student, it really doesn't make a difference. Every student who is educated and has the knowledge to go to high school,

college and beyond and become a functioning, participating member of society is not only good for New York, it's good for our country.

NYC DOE CHANCELLOR BANKS: That's right.

ASSEMBLYMAN PIROZZOLO: So that brings me to the accountability part. Usually when I ask for accountability I'm kind of vilified in saying that, you know, I'm going after teachers. But our teachers in New York City Public Schools are some of the best teachers that there are in the country, and they work hard every day. I'm not talking about the accountability of teachers, I'm talking about the accountability of the system.

And I'm asking you to work with us to go to the State Education Department and say, Listen, this really just does not work the way that it is. We have so many schools where 95 percent of our students can't read, write or do math at grade level, and we fund it year after year for the same programs. I would like to consider different options, as one of my colleagues mentioned -- maybe a

seven-day-a-week school. I'm not saying every school. Or maybe a 12-month school year with different breaks. I'm sure there are teachers who would volunteer, if they were not coerced into a situation, to try this volunteer program to see what happens. We have to do that.

And then that brings me to my third point -- or my second, really, which is participation. I am the former president of CEC 31 for seven years, okay, and I got to see with my own eyes a lot of the things that happened in the New York City public education system. And the CECs are supposed to be about parental involvement.

But I'm talking about more when you sit down and you negotiate with other leaders -- you know, your teachers' unions and things like that -- who is really there representing the parents? Are there any independent parent groups that can say, you know what, what you guys are saying makes sense but it really is not the best thing for the children.

So I'm calling on you to help call -- you know, keep the state accountable for what's not happening in our schools and to develop a system that we can bring independent parents into the school system to sit with you, as a representative of the children, when it comes time to make educational decisions.

NYC DOE CHANCELLOR BANKS: Listen, I agree with pretty much everything that you said. I think these innovative ideas, it speaks to one of my pillars. When we talk about a reimagined school experience, we've got to do school very differently.

So I'm in agreement with you and I'm willing to work with you on any of these issues.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you.

Chair Iwen Chu for a three-minute second-round follow-up.

SENATOR CHU: Thank you, Madam Chair.

Chancellor, I really want to give you the credit. You really listen to the

parents, and the parent involvement, parent engagement is really crucial. I really appreciate that part. And you had mentioned there's -- right now we have 146 charter school collocations with our traditional public schools. So obviously for those parents who enroll to those charter schools, distance is not the option -- is not a question, right? It's not because the school is too far -- it's not because of the distance. It's definitely because their collocation, one site, two schools running, providing different services, different programs, different resources.

So what do those 146 traditional public schools -- they don't have compared to those charter schools, so the students and the parents made their decision to enroll their student in the charter school? Like if there's anything we can get their feedback on the resources, the programs, the services we don't have in our traditional public schools, especially from K-8, maybe that would be something we could improve our schools,

especially for those 146. That's a lot of schools.

NYC DOE CHANCELLOR BANKS: Oh, absolutely. I agree. And I think, you know, one of the things that we can do from the very beginning is what Assemblyman Carroll has been talking about. If we have a very different approach to how we are teaching our kids to read and we can ensure that they can read from the very beginning -- in a lot of our traditional public schools we've got a lot of kids who are just showing up grade to grade, they're not on reading level.

And the charter schools, several -- and there's a wide range of charter schools. So when we say charter schools, there's no one charter school that speaks for all the charter schools. There's a wide range of charters, and some of them are really successful, some of them are less successful.

And similarly to traditional public schools as well. We've got traditional public schools that parents are lining up to get into as well -- high-demand regular

public schools.

So I don't want to make -- I want to push back a little bit on the idea of like everybody's lining up just to go to charters as though the traditional public schools, there's no interest. Parents decide on very specific schools that they're interested in. And I'm sure all of you, within your own districts, can point to very specific schools that you know parents are very focused on. And they guard those schools because they love those schools. Some of them are charters; many of them are not.

I want to make sure that we can share across the -- that's one of the things I'm really trying to figure out, how to get all of us sharing: Charters, traditional, big schools, small schools, what are the best practices? I've hired someone to lead that body of work. It's what we call Scale, Sustain and Restore What Works. Taking the best ideas and the best practices and making sure that everybody's learning. It shouldn't be a secret. If there's a charter school in

Queens that's doing a great job, why are they doing a great job? What is it that they're doing? We want to be able to take what they're doing and ensure that every school has access to that.

And schools have worked for far too long in silos, within just the four walls of their school. We want to change that.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Ardila.

ASSEMBLYMAN ARDILA: Thank you, Madam Chair.

Chancellor, it's a pleasure to meet you. Thank you for coming to Albany. I know how far the trip is from New York City, so I commend you for it.

I represent a district that is very diverse. I represent Long Island City, Sunnyside, Woodside, Maspeth, Ridgewood -- diverse in culture. And in this budget, in this proposal, there's specific allocation for pre-K programs, predominantly UPK,

universal pre-K. With the influx of migrants coming, with the diversity of our city and in our borough, is there a commitment from the DOE to expand pre-K dual language programs?

NYC DOE CHANCELLOR BANKS: You know, one of the things we've been trying to do is we've been working really hard to try to rightsize a lot of the stuff that we're doing, particularly in that 3-K space. You know, we've had about 40,000 seats that are just empty seats that we've been paying for through a lot of providers.

And we're working really hard to turn that around and change that and make sure that we're allocating the dollars where there are real bodies and real seats. We see this as a birth-to-five continuum, and we want to make sure that the dollars are absolutely aligned where the need and demand in a particular community really is. So we're very committed to that.

The challenge around 3-K, quite frankly, is that 3-K was built on stimulus funding. You know? And so as these dollars

are going away -- again, these are the hard choices. You know, I try to avoid these kind of rhetorical conversations. And I'm looking at real dollars and saying, how do we continue to fund certain programs that were not built on, you know, taxpayer-levied dollars but stimulus dollars? We have a lot of programs that have been funded by the stimulus dollars, which are going away -- and trying to ensure that we are ready when that happens.

So, you know, I talk to parents and families, and they say parent engagement. Oftentimes that means, you know, they want what they want. Right? And as long as you get me what I want, then I feel like I've been engaged. But if they -- if we can't support particular programs, it's -- you know, when that -- there's no parent engagement, we're not being engaged.

So my definition of engagement is that I'm listening to everybody and I'm hearing the best thinking, not only around what the problems are but what they think potential

solutions in fact could be. And so we're very committed to that space.

ASSEMBLYMAN ARDILA: I appreciate that. Because we know -- and just for context, we know that pre-K dual language programs not only support children whose home language is other than English, but also exposes monolingual English speakers to diverse cultures, customs, traditions, languages.

So I'm committed to working with you on that, expanding dual-language programs across so that we can support our diverse population. So I thank you for that.

NYC DOE CHANCELLOR BANKS: I appreciate that very much. Look forward to working with you. Multilingualism is a superpower, and we got to work toward that.

ASSEMBLYMAN ARDILA: (In Spanish.}

CHAIRWOMAN WEINSTEIN: Thank you.

So, Chancellor, I have a few questions. I think you mentioned earlier something about stimulus funds, but I was wondering if we can get an update on the

DOE's use of the federal stimulus dollars and how much you still have left to mitigate the impact of the pandemic on New York City's children, schoolchildren.

NYC DOE CHANCELLOR BANKS: Sure. Yeah. So I'm going to have Emma give you a little outline of that, how much money we spent on our Summer Rising program. We had the biggest Summer Rising program, summer program, last year, and that was all stimulus dollars -- as well as a whole host of other initiatives. We'll give you a breakdown.

CHAIRWOMAN WEINSTEIN: She has a mic.

DOE COO VADEHRA: I have a mic.

Yes, thank you very much.

So as you noted and somebody mentioned the $700 million before as well. We do have a series of programs that are built on stimulus dollars. The largest investment currently is 3-K, where we're spending --

CHAIRWOMAN WEINSTEIN: Can -- can you --

CHAIRWOMAN KRUEGER: This side of the room for some reason --

DOE COO VADEHRA: I'm sorry. How's this? I apologize.

The largest investment currently is our 3-K program, and we're spending $450 million of stimulus dollars on our 3-K program this year and next.

Some of the other really substantial programs are our Community Schools program. Summer Rising, as the chancellor said, we had the largest summer program last year in the history of the city, and are eager to continue having a large summer program in the city.

We're spending money on special education recovery services, which have already been discussed. We're spending money on arts funding to our schools in a couple of different ways. And so there's a series of other things, and happy to -- yeah, there's Project Pivot. But a lot of the things we've talked through today are using stimulus dollars.

In terms of big picture, last year we spent about $3 billion in stimulus funds on

our schools, last school year. That money is obviously petering down. This year we're spending closer to $2 billion in stimulus funds on our schools across all the different places. And next year that actually goes down to a billion dollars in the last year that we have them.

So that's -- when we talk about sort of the different fiscal constraints we're facing, that decreasing amount of money that will then go away entirely after that is one of them.

CHAIRWOMAN WEINSTEIN: Chancellor, I wonder if you could comment on the Governor's proposal that New York City DOE spend 35 million of Foundation Aid on tutoring. Is that something you support? And what are your thoughts?

NYC DOE CHANCELLOR BANKS: You know, the tutoring dollars -- first of all, I mean, when you have the right programming on that tutoring, it can be very effective.

We prefer a little bit more flexible spending in terms of what we can do, as

opposed to kind of these mandated pieces. Because there are a number of other programs that are also working well, we think, in our schools that are not necessarily tutoring, and some of them are mentoring programs which are helping kids with their mental health and career readiness issues as well. So when it's so fine-tuned to simply be purely tutoring, it is -- it's a little limiting for us.

But certainly additional funds around tutoring is something that could be impactful for kids. We're doing that. We've got -- in fact, right now we just launched what we call an academic sprint between now and the end of the school year, where we've lined up a whole host of vendors, many of them who are tutoring vendors who are working with hundreds of schools, getting ready to really support -- and a lot of it we're doing is virtually -- really trying to give that extra support that our kids need.

So we get asked about learning loss and how do we catch kids up. It's just

another effort to lean into that space. Groups like the Khan Academy and others, we're engaged with in a process of tutoring and academic acceleration.

CHAIRWOMAN WEINSTEIN: And switching, I know there was some discussion about teacher shortages. Do we currently -- is there currently an assistant principal in every school in New York City?

NYC DOE CHANCELLOR BANKS: No, not an assistant principal, not in every school.

First of all, it -- the ability to have an assistant principal, to be able to fund that, is left to the school leader, the principal. I try not to, at the central level, dictate for all 1800 schools that everybody must do this. We say that they know best at the school level around how to engage with their parents and their families and their school communities. I don't want to say to them, I'm mandating that you hire an assistant principal when you may want to use those dollars to hire another music teacher, another math teacher.

So those decisions are left more locally, but they're generally determined by the number of students. If you're a principal of a school with 450 students, you're making different decisions than a principal who has 2,000 students, and so -- but those decisions are left to the school leaders.

CHAIRWOMAN WEINSTEIN: And you mentioned local. Just -- I want to just mention something about the local issue, that unfortunately the concerns that myself and Senator Persaud raised about collocating an elementary school in Sheepshead Bay High School were not listened to. Though I'm happy, I guess, that the communities of -- in Queens and Bronx were able to prevent schools from coming into those communities.

We had raised the issue of the -- some of the problems of having high school students and elementary school students right across from housing, NYCHA developments of 5,000 residents, where there's been a lot, unfortunately, of criminal incidents.

And I know that the PEP approved it starting this fall. I would hope that there'd be strong monitoring, and if in fact our concerns prove to be true, that they be addressed and that the school not be allowed to continue in that location.

NYC DOE CHANCELLOR BANKS: Absolutely. Absolutely. Thank you.

And I would say not -- I wouldn't characterize it that we weren't listening. I think sometimes we will disagree. I've got to look at some of these numbers. But I will tell you, I've not found one proposed collocation yet that everybody lined up and said this would be wonderful, we want it. No matter who it is. The proposed locations are always thorny issues, always.

And we've got to push, because again, we've got a mandate from the state. If we do not put that school in that collocated area, we have to pay even more money to find them private space. And those dollars come from somewhere. And they will affect oftentimes the same kids that we were going to

collocate; all of a sudden they don't get as many dollars as they're supposed to get because we had to spend more money to put that other school someplace else.

That's why we work really hard to get them into the places that we're already paying the rent, in the schools that are our schools. So that's -- it's always a challenge. But never because we don't listen.

CHAIRWOMAN WEINSTEIN: I didn't mean that you didn't listen. I guess you didn't agree with what we said. And some of the issue has been -- there's a junior high, I guess now we call them intermediate schools, right across the street, and we had to, years back, readjust the dismissal time of the intermediate school because of the problems that came out of Sheepshead Bay High School.

So I see them personally in my district offices just a few blocks away. We've had incidents -- there's a girls yeshiva a couple of blocks away where the girls have to be walked with a teacher to the

bus stop. Because even though there is a bus provided, MTA does provide a bus at the high school, a lot of the students still wander off to take a bus at a different school.

So I just -- you know, I wanted to say that I appreciate that we --

NYC DOE CHANCELLOR BANKS: Please keep us abreast.

CHAIRWOMAN WEINSTEIN: -- continue to monitor the situation.

NYC DOE CHANCELLOR BANKS: Please, yes.

CHAIRWOMAN WEINSTEIN: Thank you.

NYC DOE CHANCELLOR BANKS: Thank you.

CHAIRWOMAN WEINSTEIN: The Senate is finished.

We have Assemblyman Benedetto for three minutes.

ASSEMBLYMAN BENEDETTO: Mr. Chancellor. Hopefully, hopefully it works. Okay. Thank you, Mr. Chancellor. Just one quick question.

You know, maybe you can help me with my problem that I have. I have an awful lot

of curriculum bills that come my way. And quite often I have to tell the person who has given me this bill, Well, we shouldn't have to make up a curriculum for this bill to pass because it's probably already there in the syllabus somewhere. And it's more, it's more to the point that you would go to your local superintendent and tell the superintendent: Hey, we got a problem here with teaching finance for children, or teaching some aspect of -- in history that they can just go to their schools and say, let's stress the teaching of writing, literacy and whatnot. Am I correct in telling them that? Is this usually there in the curriculum, most things?

NYC DOE CHANCELLOR BANKS: Well, I think you are absolutely correct. And I know you're a former educator and you come from this space.

And I would say that we -- there are certain mandates that schools have to do within their scheduling. But schools also have a great deal of flexibility in how they teach and what they really want to emphasize.

And so I think your local superintendent is a great place to start, to share those concerns.

And -- but as we hear it more systemwide, it helps us to understand what should we then be implementing deeper for all schools across an entire system. But the best place to start is absolutely the superintendents. They have a great deal of influence in supporting their schools in the level of curriculum and particular curricular choices that are made.

ASSEMBLYMAN BENEDETTO: So Mr. Chancellor, please, just let your superintendents know that they may be getting a call from me asking them to do us a favor and sit down with this particular Assemblyperson, and maybe they can stress what they wanted to do so we don't have to pass a curriculum bill.

NYC DOE CHANCELLOR BANKS: I love it. Thank you. And I tell all of our superintendents I expect for there to be a relationship with all of you as elected

officials. You should know all of your superintendents, and they should know you.

CHAIRWOMAN WEINSTEIN: Well answered, thank you. Thank you, Chancellor. We are finished, and just in time for school dismissal, I see.

(Laughter.)

NYC DOE CHANCELLOR BANKS: Thank you so much. It's been a pleasure to be here. And we will continue to work with all of you. We'll follow up on any questions that were not responded to with the proper data. And we'll see you, I'll see you out in the field.

Thank you, everybody.

CHAIRWOMAN WEINSTEIN: Great. Thank you so much, Chancellor.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: As the chancellor and his team leave, if there are Assemblymembers wanting to speak with them, if you can do that out in the hall.

We are now ready to start the public portion of our hearing. If you're following along, you can see that it is divided into

panels. Each member of the panel will have three minutes to make a presentation. When the panel is finished, if there are questions from legislators, those legislators will have three minutes to ask a question of the panel.

So if you can take --

CHAIRWOMAN KRUEGER: Move on out. Or move on to the table, one or the other.

CHAIRWOMAN WEINSTEIN: If you can take the conversations outside, that would be much appreciated.

So our first panel is made up of the United Federation of Teachers, New York State United Teachers, Council of School Supervisors and Administrators, and the School Administrators Association of New York State. So if you can go perhaps in that order, starting with the UFT.

MR. PALLOTTA: We'll start with NYSUT.

CHAIRWOMAN WEINSTEIN: Okay.

MR. PALLOTTA: Thank you.

CHAIRWOMAN WEINSTEIN: Okay, Andrew.

MR. PALLOTTA: Good afternoon, everyone. And I congratulate you on your

staying power. It's good to be among friends of public education.

I'm Andy Pallotta, president of NYSUT, and I'm joined today Karen Alford, the vice president of elementary schools for UFT.

In the interests of time, I will just give a couple of highlights of my testimony. I'm sure you'll appreciate that. I want to focus on two main areas. One is the Foundation Aid, and the second being the charter schools. I will briefly touch on a couple of other areas if that's possible within these three minutes.

And I just want to say good things take a long time, and Foundation Aid coming through this year, this is a fabulous thing for our students throughout the state. We want to go on record saying we fully support the Governor's proposal for Foundation Aid, and that this will make a real difference around the entire state.

I'm a little less cheery about the charter school proposal that's been put forward by the Governor. This afternoon we

have some information to present on charters from a Hart Research poll that was done, and we strongly oppose any expansion of the charter schools. Despite our efforts and many of yours, the New York voters have also spoken on this, because they have come out with this polling that they have saying that they do not support expansion of the charter schools.

In New York State there are 21 school districts with more than 5 percent of the total enrollment in charters. In the last five years, these 21 districts have seen their payments increase by 1.2 billion. So we heard before about the incredible amount of money leaving the traditional public schools and going to the charter schools. And this is a fact that is incredible for us to even present here, that 60 percent of the Foundation formula increases that you provided were sucked up by the increase in charter school payments.

Is that my bell already? No? Good. Good.

So New York City is not alone. This is truly a statewide problem, the main thing being that they're unaccountable and not transparent, as public schools are.

So we have done the research, we have read the reports that they have given us, and it is true that New Yorkers really want us to concentrate on expanding literacy and reading -- we heard much about that today -- vocational programs, addressing the teacher shortage, improving safety in the schools, and reducing class size.

So Community Schools, crucially important, and we support these throughout the state. Also we attended the rally on a universal meals program, and we strongly support this also. We know that 726,000 children in this state used to have access to these meals that are no longer getting them, and we support Teacher Centers.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Just as a reminder, the first bell is when the yellow light goes on that -- that's

just to warn you that it's one minute, and keep it rolling.

MR. PALLOTTA: Thank you.

MS. ALFORD: Good afternoon, everyone. I'm Karen Alford, the UFT's vice president for the elementary schools, as well as the executive director of our United Community Schools.

It's a pleasure to be here today to present to you on behalf of our students, parents and teachers in New York City. Thank you all for championing the class size legislation and getting it passed and signed into law last year.

We applaud Governor Hochul for fully funding the Foundation Aid. And it's noteworthy to add that this has been a marathon and clearly not a sprint, and thanks to you all for making this funding a reality.

Fully funding the Foundation Aid and lowering class size legislation are clearly real investments that impact students directly. We have seen, over the course of the last few years, interrupted learning, and

these dollars will certainly help us as educators to differentiate instruction, to, make sure that students are getting ELA, math and other content areas, and certainly addressing social-emotional learning, addressing the trauma and the safety issues that are real concerns for so many of our students as well as our parents.

While we applaud Governor Hochul's budget, we are deeply concerned about the charter proposals. And until there's equity and transparency, zombie charters should not be reissued. The geographic cap should not be lifted.

We know, in our district traditional public schools, that we are dealing with high indices of poverty. There are certainly more vulnerable populations in terms of special education students, ELLs, immigrant students, as well as students in temporary housing, which we also know to be homeless and doubled up.

Until there's equity and transparency, we're asking that the loophole be closed and

that one charter doesn't result in three schools -- an elementary, middle as well as a high school. And we are also asking that the Board of Regents be the sole authorizer.

We know that there's another way to have a path forward. We know that there's another way to transform schools, and that way is through Community Schools. At United Community Schools we service over 20,000 students, and we know that there's a six-to-one return. For every $100,000 that we invest in a Community School coordinator, we see $600,000 worth of services that go back to students and families.

We also know that our UFT Teacher Centers are a path forward, making sure that teachers have quality professional development. And we know that our behavioral interventions matter, and deescalation matters. And so our Positive Learning Collaborative is another way to think about a path forward.

So as opposed to supplanting dollars, let's ensure that dollars are making it

directly into our classrooms. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator --

CHAIRWOMAN WEINSTEIN: No, no, no, we're not finished yet. We still have Henry --

CHAIRWOMAN KRUEGER: Oh, I'm sorry. I'm so sorry.

CHAIRWOMAN WEINSTEIN: Henry, yes.

MR. RUBIO: Good afternoon, Assemblymember Weinstein, Assemblymember Benedetto, Senator Mayer, Senator Krueger, Senator Liu and your honorable colleagues, it is my pleasure and honor to be with you today, and we're grateful for the opportunity and the support that you've given the New York City school system.

My name is Henry Rubio, and I am the new president of the Council of School Supervisors and Administrators, as of January 1st.

I thought I had five, but I only have three, so I'm going to do like every good

teacher and pivot.

(Laughter.)

MR. RUBIO: First of all, we represent over 6,000 active New York City school leaders, around 11,000 retirees.

I am also the president of NYSFSA, the New York State Federation of School Administrators, and NYSFSA represents New York City, Yonkers and Buffalo. We recently partnered with SAANYS to both elevate and unite the voice of school administrators throughout our entire state, and we've each submitted separate testimony today and proudly stand with SAANYS on the issues they raise before the Assembly and Senate today.

First, thank you, thank you, thank you from the bottom of our hearts for supporting the Governor's proposal to fully fund Foundation Aid.

First, these investments must reach students in their classrooms. We are respectfully requesting that the Legislature direct and encourage the increase of

Foundation Aid for New York City schools to flow as commensurately as possible into the Fair Student Funding formula, to ensure that those dollars and those investments in education are reaching every student where they learn.

This is especially important given the recent legislation mandating class size in New York City, and to ensure the sound, basic education that Senator Liu raised this morning and that we support.

Secondly, I heard some great conversation this morning about learning loss and pedagogical loss and -- something that Senator Oberacker and others have been talking about today that we as school leaders support and applaud. Our school leaders are committed to hiring the best teachers for our students, and that has become increasingly more difficult, both recruiting and maintaining our teachers.

Equally important is a leadership loss. We are experiencing a 300 percent increase in the number of principals that are

either retiring or resigning out of the school system, and we're looking for your support to strengthen our assistant principal to principal pipeline to fill those vacancies in our school system and to better support our teachers, our staff and our students.

Lastly, we're looking for your support: Out of approximately 1700 schools in New York City, we have approximately 100 that do not have an assistant principal. And I concur with something the commissioner said this morning. We love the idea of having multiple teachers in a classroom, but we also need -- and we don't want them to be Lone Rangers. We can't have our principals be Lone Rangers either. They need a copilot with them, running their schools. We don't like planes with one pilot, and so we need two leaders in that school to lead.

Thank you, and we look forward to working with you.

MS. GALLAGHER: Thank you for the opportunity to present testimony today. It is always a privilege to do so.

My name is Cindy Gallagher, and I'm the director of the School Administrators Association of New York State. And we are equally as excited about the merger that Mr. Rubio had just discussed. Together we represent 14,000 building administrators across the state, in all of the Big 5 cities and in the majority of school districts across the state.

As we've talked to our members throughout this school year, one of their overarching concerns has been about the erosion of systems that they need to do their work. As we examine the Governor's proposed budget, what we see is the beginning to shore up some of those important systems.

First, the funding of Foundation Aid, a solid foundation for our schools. And we certainly appreciate and we know the long haul that has been the complete phase-in of the Foundation Aid formula. This is a heralded public policy success, and we thank you for your commitment to this long haul.

Secondly, the infusion of mental

health and school safety initiatives throughout the budget. It is exactly what is needed, the infusion of mental health programs and services into the schools: 10 million for school-based health clinics in-school; 10 million directly to grants for the identified programs that they know they need. Another pot of money out of the RECOV that is the reappropriation, as well as your extended school days.

As far as school safety, those extended school days are a bridge to the community, providing a safe place for our students and the supports they need, perhaps with the high-impact tutoring.

Then also you've heard all through today the importance of the career and technical education programs. Our administrators have used those strategically, especially in this post-pandemic situation. They've used them to increase the attendance in schools that we know is challenging for some of our school districts, and they've used them also to make these programs more

relevant to students' lives -- being able to have credits associated with employment, and working with the industries in their localities.

We do have some concerns about the budget. As Mr. Rubio talked about, there is little funding to no funding in there for the professional development of our building administrators. Their jobs are so complex, and they need that updated information and current training to do the professional judgment that they are called upon to do every day.

You've heard the concerns about charter schools. We also would like to see funding in there for universal meals.

So we thank you today for this commitment to hear all of our perspectives, and we look forward to your questions or statements.

CHAIRWOMAN WEINSTEIN: Thank you.

And we go to Assemblyman Benedetto, but first I just want to acknowledge that Assemblywoman Levenberg joined us.

The mic is yours.

ASSEMBLYMAN BENEDETTO: Yes, the mic is still -- I've got it.

Good afternoon. Many of you know, I'm sure, I used to be a teacher. And so I have the greatest respect for the people you guys represent. Okay? I used to think I was a good teacher until I actually looked around at the other people I was with. And we have some of the greatest teachers in our country teaching our kids. All applause to you.

And let me say too, being in, you know, several different schools, it generally was -- and they were good schools, but they were good schools because of the administrators in these schools. They set the tone, they guided the ship, and they did a great job. Wonderful, all the respect in the world.

A question, though. We have before us, before my committee, before I guess both committees, Senate and Assembly, a particular bill called Solutions Not Suspensions. Okay? Talking basically how we're going to be doing

with school discipline and do we just suspend kids and use that as a way to control the class.

The bill has many, many good points, but it has a lot of moving points. I'm very interested, by the people I respect as educators, your opinion on this particular bill. Yeah, who -- no one wants to take that one, eh? Go ahead, please. Kathy?

ASSEMBLYWOMAN GALLAGHER: I guess the one who sits at the end of the table, right, is where that question ends.

So as you all know, as we've talked with you throughout this year, certainly student discipline has been a challenge for many of our building administrators and teachers as the students come back and relearn routines. We've seen that in the earliest grades.

And so we have posed the question and we have seen the recommendations from the School Safety Task Force, and we have been, you know, involved in discussions on that bill. And we do have some challenges with

it. Our administrators across the street certainly want to rely on their professional judgment when it comes to school discipline and really would like that continued ability to do so. So there are pieces of suspending and prohibiting suspensions at certain grade levels; we would like to, you know, continue to work on some of those issues, knowing full well that there are areas where the data shows that suspensions have been used disproportionately. So we are very sensitive to the issue but also sensitive to the concerns of our building administrators in the schools every day.

MR. RUBIO: If I may add, I totally concur with our colleagues at SAANYS and Cindy. I think as parents and principals and practitioners it's important to have a balance between suspension and support. Right? Senator Tedisco talked about bullying and what have you. There have to be supports there for children, but there also have to be consequences. There's a lot of discretion that's necessary for the principal.

CHAIRWOMAN KRUEGER: Thank you.

Chair Shelley Mayer.

SENATOR MAYER: Thank you very much. Good to see you all.

So this is a question really for Ms. Alford and Mr. Pallotta about Community Schools, which in the Governor's proposed budget continue to be a set-aside out of Foundation Aid. And I think you both support significant additional funding for Community Schools apart from Foundation Aid.

Can you just explain from your perspective, representing teachers around the state, the benefits of having expanded Community Schools? And particularly the after-school and wraparound services that schools offer to parents and families as well as children.

MS. ALFORD: We've seen Community Schools to be a value-add wherever they are. And it takes a whole-school approach. It ensures that parents are also part of the learning community, as well as supporting educators in the school.

And we know that children struggle to learn when there are challenges that walk in the door with them. So when students are hungry, when students have not had the right physical support in terms of mental wellness, when students are struggling academically, Community Schools fill that void. We have schools now where they have created community closets for students and parents who just don't have dollars and they have to decide between buying food and buying clothing or even washing clothing. Community Schools have been there to fill that gap.

And so we have, in our United Community Schools, we've actually given out laundry cards to help families so that they can have clean clothing so that students can show up in the school. We have multiple food pantries, because food insecurity is a real issue in so many of our communities, and so families can shop with dignity without having to spend a dollar.

So it's those kinds of supports that help to reduce some of the barriers so that

students may be present, fully present, and able to learn and absorb what's happening in the classroom.

SENATOR MAYER: Thank you.

MR. PALLOTTA: And this is something that is working throughout the state. So we've seen what works, and we've copied it around the state. In Rome, New York, they're actually acting as a hub for eight other districts that they can come in and they run a food pantry and they have clothing that you can get there.

So these are real needs in schools across the state. So this is something we fully support funding.

SENATOR MAYER: So just quickly, Mr. Rubio, how many schools in New York City do not have an assistant or a second administrator?

MR. RUBIO: Thank you for the question, Senator.

Approximately 100.

SENATOR MAYER: One hundred only have a --

MR. RUBIO: Only have a principal, don't have a -- it's a huge safety concern for us. It's not uncommon for schools to experience an intruder, fire, smoke. And so when you don't have a principal, it becomes very difficult and --

SENATOR MAYER: Thank you. Thank you very much.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Smith.

ASSEMBLYMAN SMITH: Thank you.

And thank you for everything that your members do to really educate the students of the State of New York.

What I want to talk about a little bit is these zombie charter schools that it looks like might be brought to life, and I'm hoping you could take some time explaining concerns that myself and a number of members have. Personally my concern is they're going to resurrect these zombie schools to suck millions of dollars out of our public schools, that they don't have the same accountability and they don't have to accept

every student.

Can you elaborate a little bit on this? Am I missing something?

MR. PALLOTTA: You are missing nothing. So this is a major problem.

And, you know, we were thrilled with the $2.7 billion increase in Foundation Aid, but then when you see the amount of money that leaves those same public schools, if you look at -- I have right here, not far from the Capitol, Green Island, Menands, Watervliet, all pay more in charter school payments than they receive in Foundation Aid increases.

So you're working hard to get this increase, this funding into the schools, and it's leaving right out the back door.

And back on to Assemblyman Benedetto's issue on the Solutions Not Suspensions bill, one of the things that worked so great when I was in the classroom was social workers, having the actual intervention in the school buildings. While the students were in the building, that they could have those services

available to them, that was incredible.

ASSEMBLYMAN SMITH: If I could just -- oh, go ahead, I'm sorry.

MS. ALFORD: We see that resurrecting these zombie charter schools -- these were schools where the charters were surrendered, revoked or terminated for some reason, but yet now there seems to be this willingness to bring them back.

In addition to that, we see that $153 million were diverted from schools due to facilities charges. And so when you think about bringing back upwards of a hundred or so zombie schools, which in essence really could be 300 if you get three bites at the apple, and you think about all the facility dollars that come with this, you see an exorbitant price tag.

ASSEMBLYMAN SMITH: Okay. And, you know, I know a concern that I have is that they're not held to the same standards, so in terms of accountability, you know, it's like comparing apples to oranges. You know, we're not able to look at that.

And there's no obligation to accept every student. I know it was brought up by a number of my colleagues a little bit earlier today. That's a concern that I think I share. It actually may serve to make public schools look worse if you're cherry-picking the students who are then attending these private institutions.

Thank you for your time.

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Chair John Liu.

SENATOR LIU: Thank you, Madam Chair.

And thanks to everybody on this august panel for your patience. I had questions for all of you, but I've only got three minutes, so I'll make it lightning round, practically.

First of all, Henry, congratulations on your ascendancy to the presidency. You're going to hit the ground running because you've been working alongside your predecessor for many years, and in fact you have. So congratulations.

As I said to the chancellor earlier, I have spoken with many principals -- in my area more specifically, but also principals throughout the city, and there is concern about the class size mandate. But as I said to the chancellor, this is not a situation where he simply tells your members, Get it done. This is something that the DOE and the chancellor has to be fully engaged in and working alongside your members to make sure that it is enacted the right way.

MR. RUBIO: Thank you.

SENATOR LIU: President Pallotta. Andy, I see in your testimony you talk about how there's very little local control over new charter schools -- like the State University of New York gets involved, and they just basically override. How is that?

MR. PALLOTTA: Well, that's one of the ridiculous things on how charters are granted in this state. We had a school in Suffolk County, a charter school that they had proposed -- there was intense, intense pushback on having this school put into their

town. And the SUNY Charter Institute, working for the charter industry, put it in anyway. So even though the local community did not want it, they went against the local community and put it in place.

SENATOR LIU: I think at the time they said that the local school board was too -- too vulnerable to the evil teachers' union.

MR. PALLOTTA: Wow.

SENATOR LIU: Is that -- is that why SUNY had to come in and override the local decision?

MR. PALLOTTA: And dominate the public, the taxpayers who actually pay the taxes that make the schools run, right?

So that they did that, and even that narrative, is just disgraceful.

SENATOR LIU: Thank you, and I concur.

Karen, Ms. Alford, great to see you.

MS. ALFORD: Great to see you.

SENATOR LIU: I have a question for you that is a little bit tricky, and that is that as I stated earlier to the chancellor -- and some of my colleagues have already

expressed their opinion -- we really think that Diwali needs to become a school holiday in New York. It's -- the South Asian community's the fastest-growing community in New York City, we've got 200,000 kids in New York City Public Schools, and the proposal is to eliminate Anniversary Day, also known as Brooklyn-Queens Day.

But my understanding is that that's a day that's important to teachers also. So is there any way to work around that or ...

MS. ALFORD: President Mulgrew definitely wants Diwali to become a holiday. And so we are willing to sit down and help figure this out, because it is certainly important to acknowledge the holiday.

CHAIRWOMAN KRUEGER: Thank you.

SENATOR LIU: That's great to hear. Thank you so much.

Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Colton.

ASSEMBLYMAN COLTON: Yes, thank you.

I have a question -- I was listening to the testimony of the previous -- of the chancellor, and I heard something about the cost of charter schools to New York City is right now about $3 billion. And if it's expanded, I'm concerned about how that's going to affect the Foundation Aid money that's being given and how it's going to affect small class size. Which, you know, is now mandated and has to be done.

So I'm concerned what impact that amount of money, additional money to that -- because this would be additional charters -- would impact the school system and the victories we won with Foundation Aid. So I ask that to anyone on the panel. I'm sure NYSUT and the UFT would certainly be interested in answering that.

MS. ALFORD: I definitely think it certainly sounds like a contradiction there, doesn't it? And so to be able to increase charters, they need more space. And then clearly that's in direct contrast to being able to lower class size.

And so we certainly believe that class sizes should be lowered. It's a state law at this point, and it can already be done in some schools. And so we definitely want these smaller class sizes -- we see how instruction has changed so drastically, particularly since the pandemic has happened, and we don't want to shortchange our students.

MR. RUBIO: As educators we all support reducing class size. I think we're going to, like the chancellor said this afternoon, encounter significant problems. Especially giving up classrooms that presumably might go to charters will be a difficult problem.

And so we need to keep an eye on that and our schools will need in some cases more space -- I forgot who was mentioning it this morning, of districts and schools that are already overcrowded. And where are we going to create those classrooms, how students potentially could be displaced, right -- they're zoned to a school but now there's no

longer any space there. And so we're concerned about the space issue as well.

MS. GALLAGHER: And just very quickly, although we're talking about New York City, I would be remiss if I didn't say that our -- Buffalo, Yonkers, Rochester and Syracuse all have very similar opinions, our building administrators, of the concerns, so ...

ASSEMBLYMAN COLTON: And would it be fair to estimate, based upon the past experience of charters, that most of the charters will end up to be collocated in existing buildings and therefore take up space in those buildings?

MR. RUBIO: You heard the chancellor say that they look for space in the current existing DOE buildings, which would then put pressure on our schools.

ASSEMBLYMAN COLTON: Okay, thank you.

MR. RUBIO: Thank you, sir.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator Robert Jackson.

SENATOR JACKSON: Thank you.

Good afternoon, everyone. And Henry, congratulations on your presidency.

So you may have heard me state earlier that I'm requesting that the unions and the administrators and the teachers come together and document, have a form that basically when any child comes back to the public school system from the charter school -- because that has an impact not only on the family that's doing that but also from a financial point of view.

I've heard it throughout -- and so I just think we need to track that on a continuous basis. And a form that you can put together and then fill out and then you submit that to CSA, UFT, NYSUT so that you can add up what geographical areas are children being counseled out of charter schools. That's one thing.

And then number two, I asked the chancellor, but I ask you the same question. Knowing that if in fact the Governor gets her way with respect to all of the charters now coming to New York City -- and we're talking

about a hundred -- and knowing that a charter basically, if you have an elementary school, they can expand to an intermediate school or to a high school -- not in the same geographical area, another borough altogether -- what kind of impact would that have on the administrators, on the unions of all of the teachers and what have you and so forth? If you can just expound -- expand on that.

MR. RUBIO: Again, it causes a huge organizational problem for us. Just recent charter proposals of opening an elementary charter school in Queens, in a complete high school, we thought was absurd. There are safety issues and all that, organizationally.

Senator Jackson, I want to thank you because you are consistently speaking to educators in our school districts, you hear from principals directly. I disagree with what was stated earlier today that it's a myth. It happens. Our schools are impacted. For the first time, I heard today that charters get their payments on a -- I think I

heard a biweekly or bimonthly basis.

But when those children come back to the New York City school system, a principal does not get the funding post-October 31st until I believe they'll hold it to maybe February. And in the meantime, they have to provide those services to the kids who are already in the school. And when they finally get that funding, they're left with a very small window to reorganize their funding to efficiently and effectively support students. And our teachers and our colleagues are doing our very best to provide those services.

So it's a big organizational, operational issue that gets in the way of supporting and giving our students that sound, basic education that they deserve and that we're all here to provide.

MS. ALFORD: I think this also gets to Assemblyman Colton's point as well that there is -- there's clearly this lack of transparency as well as the space. Two people can't share the same exact space. Right? Like spacing is a true issue here.

And then the dollars -- we too want to know more about where these dollars go, because we have the same belief as President Rubio, that these dollars do not necessarily come back to the district public schools in a timely way.

And one other thing I'd like to point out is --

CHAIRWOMAN KRUEGER: No, I'm sorry, I've got to cut you off.

MS. ALFORD: Okay.

CHAIRWOMAN KRUEGER: Because we know Robert Jackson really does want 45 minutes with you, but we're not letting him have it.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblyman Pirozzolo.

ASSEMBLYMAN PIROZZOLO: Hello. Thank you.

I don't know if you're religious. I'm really not very religious. But there is a saying that the Lord works in mysterious ways. And I am stunned that it is me who is

sitting here talking about the positive benefits of charter schools. All I hear today is that charter schools are villains and are the devil. Listen, you're talking about special education; I get it, maybe they don't have as many. You're talking about transparency -- I get it. But you're also talking about rent. Really, don't we pay for public schools to be open? Don't we have administrative -- or don't we have monies that have to go to maintain public schools? And we talk about collocations. Don't we have schools where there are two public schools collocated together?

What are -- you have to be kidding me. All I hear you saying, okay -- and this is just my perception -- is that the leadership of the United Federation of Teachers wants to end the successful education of some students in charter schools because you don't have transparency, you don't have the same special education students, we have to pay additional money for maybe your building. I just -- I just don't get it. The United Federation of

Teachers does not and should not have a lock on education in New York City, New York State. We are here to provide education to all of our students.

And as I have said before, every student that receives an education in a public school -- whether it is a public school or a public charter school -- that goes above and rises above the poverty level, it's a benefit to all of us. And these charter schools predominantly serve Black, Latino, poor communities, that they help these children. And you're standing here or you're sitting before us, everyone is talking about charter schools like they are the devil.

MR. PALLOTTA: Never the devil. Maybe a zombie, but not the devil.

(Laughter.)

ASSEMBLYMAN PIROZZOLO: Well, you might think that's funny, but I don't really think that's funny.

MR. PALLOTTA: So I agree 100 percent with the commissioner today when she spoke,

because that's a lifelong educator who has seen everything over the years, and when she talks about the charters not taking the ENL students or the special ed or --

(Overtalk.)

ASSEMBLYMAN PIROZZOLO: If I may, the commissioner also said --

MR. PALLOTTA: -- it is just unacceptable that --

ASSEMBLYMAN PIROZZOLO: -- that charter schools seem to develop in areas where it's only minority communities. Maybe because that's where they're most needed.

MR. PALLOTTA: But in conclusion on my little statement here, is that it is -- it is not the devil, it is basically a system where you are taking the money right out of the public schools where, when you lose 60 percent of the Foundation Aid increase that the Legislature and the Governor have put into them, that is a big loss. And it is unfair.

MS. ALFORD: The United Federation of Teachers, we have run charter schools, we

represent members in charter schools. We're certainly not trying to vilify charter schools. What we're saying is that there should be equity and transparency, and until that happens, there should not be an expansion.

CHAIRWOMAN KRUEGER: Thank you.

Senator Murray.

SENATOR MURRAY: Thank you very much.

I'm going to shift gears here off of charters.

President Rubio, when you -- congratulations, by the way. But you had mentioned, in your opening statement, the shortage of administrators causes some security concerns. Yesterday we had public hearings on public protection, and we talked about security, but an important part was cybersecurity. Now, I'm from Suffolk County. We suffered a serious ransomware issue that we're still trying to recover from. And when that happened, a lot of the school districts started reaching out, concerned about cybersecurity.

Is there -- first, is there a plan, is there funding, is there a concerted effort to be preemptive and to be preventative to make sure this doesn't happen?

MS. GALLAGHER: I think just one thing, quickly, is that I know that we sit on a task force that SED is -- has convened for many years looking at digital safety, cyber safety. And as part of that, I know they are making recommendations that will be made to the Board of Regents.

So it is of great concern for all of our members. And certainly coming back from the pandemic, I know that there were many of our school districts who the cost of what they have to recover from that is extremely challenging for them.

SENATOR MURRAY: And that's what I was going to ask, is do you feel that you have the -- whatever's necessary to implement the security measures you need, as far as funding or as far as support?

MS. GALLAGHER: Well, we'll have to see what those recommendations come in as and

any kind of corresponding funding. But certainly we have a voice at that table and we're very -- we're very active in that conversation.

SENATOR MURRAY: Okay.

MS. GALLAGHER: Based on what we hear from our field.

SENATOR MURRAY: Thank you.

MR. RUBIO: Just quickly from my end, we did have a recent cybersecurity breach in New York City. I have to say that the chancellor and his team have been very collaborative and transparent with us and putting resources into their DIIT department and really looking at vendors that do business with the city and have access to emails of both employees, parents, and students. And I believe they're working really hard to make sure that information and our kids are safe.

SENATOR MURRAY: Okay. Very good, thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assemblymember Hyndman.

ASSEMBLYWOMAN HYNDMAN: I was going to give a history lesson, but I see my colleague has left.

To President Rubio, congratulations. We've lost Principal Lilly Lucas, who's now with the Educational Leadership Institute, so I fully support I believe a million dollars in the Governor's budget to make sure that we continue leadership, because we're not talking about the -- how many principals and assistant principals we've lost. And we have to make sure we keep those pipelines open for great leadership.

It's great to see you {inaudible}. I know that there's a $100 million ask for Community Schools. Is that for all Community Schools or just UFT Community Schools?

MS. ALFORD: The $100 million ask is a NYSUT ask, and it is for Community Schools across the state.

ASSEMBLYWOMAN HYNDMAN: Okay, thank you.

MR. PALLOTTA: See how good we are to each other?

(Laughter.)

MR. PALLOTTA: We're even testifying like this today, having supervisors and --

MS. GALLAGHER: Including this professional development for --

MR. PALLOTTA: Yes, this is for us. Yes.

ASSEMBLYWOMAN HYNDMAN: Okay. All right. Thank you.

MR. RUBIO: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

I think I might be the last Senator. And I don't have too long but, one, I just want to recognize I think what we all feel, how much we appreciate everything all of your members are doing every day for our children. Because I learned probably my first week as a Senator, make sure the principals and teachers are great in your schools and everything will be fine. That's not always possible, we know, but that is my question.

When it was asked before, we got some different answers. Do we have a problem with getting a next generation of teachers and

principals and administrators into our schools, or do we not? I mean, we hear about worker shortages almost on every topic, city and state. So the chancellor for New York City seemed to imply it's all okay, although the chancellor for the state seemed to be that they were more concerned.

So from where you sit, is your pipeline moving forward for your teachers and your principals? Are people going into these professions?

MR. PALLOTTA: There is definitely a problem on the horizon. Right? You have about a third of the educators are almost of retirement age. So we definitely need to fill those positions.

Salary, benefits, working conditions -- the narrative here at the Capitol has changed since the previous governor. Right? So that is really good for all of us, and for children and for puppies, everybody.

Tier 6 has been a problem, right? So when folks come in and they realize that this

has changed so drastically, for them that is a major problem, and that is something we need to fix.

Also testing, the obsession with testing has made it into testing mills, right? We want kids, students to enjoy school. That has to be something that -- I loved school. What did you love about school? I can think about what I loved about school, playing the trumpet in Abraham Lincoln High School in Brooklyn. That kept me in school. I only cut one time. Wait, should I strike that from the record, right?

(Laughter.)

ASSEMBLYWOMAN GALLAGHER: And if I could just for a second. We did a survey of our building administrators statewide, and within the next five years we anticipate that a good 62 percent will be thinking about leaving. As well as in my written testimony you'll see that some particular areas -- career and tech programs -- are losing administrators greatly, especially in Central New York.

MR. RUBIO: Concur with our colleagues here. We have a problem with the teacher piece, the supervisory piece, and if we don't do something about it now, we are all going to regret it later. And so we're all sort of sounding the alarm. We want the best teachers and social workers and guidance counselors, the best assistant principals and principals to lead. And so we need to support them, and we're looking for your support to do that.

You know, we hear from our members all the time they have trouble hiring the teachers that they need, especially like the chancellor said this morning -- there is a shortage there especially, but the career's become less and less attractive. And if you don't have the right number of teachers, you're not going to have the assistant principals and then you don't have the principals. And so that trickle effect is going to have an impact on our students. So we do have a problem.

MS. ALFORD: We have a problem and we

are also seeing the reduction of teachers of color, and that is certainly something that we also need to focus on.

CHAIRWOMAN KRUEGER: Thank you. Thank you all very much.

Assemblymember Slater.

ASSEMBLYMAN SLATER: Thank you very much, Madam Chair.

I'm proud to say I'm a product of the public school system. I've got a second-grader and another on the way who's going to be in the public school system as well.

And thankfully in my area we haven't had to deal with charter schools. But I'm curious, because I'm being educated on this, what should be the role of local school districts and taxpayers when it comes to decisions on locating charter schools? I haven't heard that part of the equation yet, and I'm just curious from your standpoint what role that would be.

MR. PALLOTTA: Local school districts, the parents. Right? We put parents at the

forefront of all these conversations all day. They should be deciding. The taxpayers should be deciding. And when a charter school comes in and says we want to open in this town and the district says no and the parents say no, we should respect them. We should respect the people who are actually paying the taxes and want the best schools for their students.

MR. RUBIO: I couldn't concur more with Andy. We are practitioners, pedagogues, principals, and we're here to serve the public. We're here to serve our parents, and their voices -- and we should absolutely be consulted in that process and policy, but we're here to serve the public and their voices should be respected and listened to.

ASSEMBLYMAN SLATER: I appreciate that.

And in regards to universal free lunch, something that I know that we've worked on together with the teachers and administrators in my district, I'm just wondering if you can just weigh in on and

just reemphasize, if you could, the importance of making sure all of our kids are getting the adequate food they need. Because I can tell you, like I said, I've got a 7-year-old and a 3-year-old, and when they're hungry, they're no fun. And so I can't imagine being a teacher in a classroom if you've got, unfortunately, children who are food insecure and can't come to school on a full stomach.

MS. GALLAGHER: So from our perspective, building administrators in every corner of the state have been telling us how important it is to provide meals for all students, not just for a certain population.

And then when the waiver was ended in February, we saw immediately how important that program had been over the last three years. And to discontinue that now would be a shame.

MR. RUBIO: I would encourage our elected officials to visit a school on a Monday morning, go into classrooms with teachers. And when you know your school --

as I was a former high school principal, Monday mornings were the most important day. That's when you knew by the look in their faces how hungry they were, and you had to address that with your team of teachers immediately. It impacts all the learning. You can't understand geometry or history or anything else if you're hungry.

Just visit us on a Monday morning, you'll see folks working together to make sure that kids are fed and they're learning.

ASSEMBLYMAN SLATER: Appreciate that.

MR. PALLOTTA: And as someone who did lunch duty and breakfast duty for many years, I can tell you it is real. It is real, and you see the students who really will say, Can I have an extra, can I -- you know, so this is so important. And I know the federal money has dried up, but we're asking the state to take this on.

ASSEMBLYMAN SLATER: Thank you all very much. Appreciate it.

MR. PALLOTTA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblymember Jackson.

ASSEMBLYWOMAN JACKSON: All right. Hi, everyone. Thank you again for coming in front of us.

As a social worker, a licensed social worker, I came out of a high school before I got here, during COVID I did all of my grief counseling and all kind of counseling happening during then, I must say that suspensions don't work. And I understand there needs to be consequences to actions, but we have to figure out how to get students to I guess face consequences without taking them out of the classroom or away from an educational setting.

Is there a cost to -- is there a cost that we incur when we suspend students? I'm just wondering why Solutions Not Suspensions doesn't work. Is there some kind of cost related to it that says that this would not be sufficient, we can't do it?

MR. RUBIO: I'll take it first.

Thank you so much for your question,

Assemblymember Jackson. I totally agree with you, as a parent of four public school children, that suspension -- to a principal, suspensions alone do not work. I totally agree. I can't remember who asked earlier around what do we need as far as funding for mental health services for students, and I'll just give you a broad -- from our position. And it would be weird for folks to hear that I'm advocating for more of this, because it is, it's true, we need to have schools where the ratio between guidance counselors and students is dramatically lower. It's what I did as a principal, where my guidance counselors -- I didn't have the opportunity to hire social workers at the time, but I agree, we need them. I'll talk more about that in a second.

But I had one guidance counselor to 600 students. When I went from one guidance counselor to 225, my graduation rate over the years went from 62 to almost 90, because they need those services.

At a -- just to start, you need a

social worker, at least one in every school, and other schools with higher rates of concentration need more than one social worker. So just sort of a baseline, those two things need to work together. If a child is suspended, just to bring them back without the services, it is not going to work.

ASSEMBLYWOMAN JACKSON: Okay. And then just to shift very quickly, I hear that there's an issue with teachers of color, not having enough, we're losing them.

Is there any kind of track for us to work with HBCUs? They graduate people who are educators every single day. Is there any kind of track, is there any kind of track to get educators into the field of social work and -- I mean to get people into education and social work straight out of high school? Is there any kind of track that we're funding?

MS. ALFORD: I don't know that there's a track, but more definitely needs to be done. And Michael Mulgrew is committed to -- and UFT, we're committed to working with

CUNYs and SUNYs to try to create a pipeline so that folks can do their apprenticeship directly in the schools, and this way we can get them into classrooms a lot sooner.

MR. RUBIO: We represent supervisors of social workers, and I totally agree with you, we need to expand the pool for many women of color there as well.

MS. GALLAGHER: We've also been working with all of our counterparts in many of the mental health associations to see what kind of unique arrangements we can make.

ASSEMBLYWOMAN JACKSON: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you all for your testimony.

I want to touch on two issues. First, on Community Schools, just a follow-up on Senator Mayer's question. Could one or more of you detail why it is better to have the Community Schools money outside of the Foundation Aid formula? How we are shortchanging those dollars because it's not

a separate line.

MR. PALLOTTA: Well, I think, on one thing, it won't be put into Community Schools if it's just in a general fund. And we've seen firsthand how this specific model of a school has really worked. Right? Especially in a high-needs district. So we heard about washing machines being in the school. And at first glance, you might say, why that? And then you go into the school, you do a tour with the administrators and the teachers, and you see how productive it is to have all of these in there.

So I think having it special, not mixed into the General Fund, is the way to go.

MS. GALLAGHER: I think we would raise a concern, however, that -- you know, we've just made a tremendous gain in having Foundation Aid fully phased in, and any of the cutouts for that do undermine those accomplishments. So certainly this is one issue where there are many ways to look at it.

ASSEMBLYMAN OTIS: Perfect. Well, thank you.

The second topic is mental health services. And Henry, I enjoyed hearing how horrible even in the better districts the ratios are, when you think of guidance or mental health services and how time-consuming that is to be one-on-one with a student who needs help.

So we have a grant program. And -- but what we don't have is we don't have a general categorical funding line for mental health assistance to school districts. So if any of you could field that and why it would be important for us to look at that, as we fund it, in a different way than the grant model that we now have.

MS. GALLAGHER: One of the things that we looked at seriously when we were looking at the Governors' proposal was basically the multiple grants throughout the budget. One of the things you'll see in our written testimony is grants are a great way to get money out to districts, but when they come to

the districts in seven, 15, 25 different strands, the implementation of that, and the execution, gets very confusing.

You heard a lot about UPK, but there's a thousand examples of that.

So in general, just good, effective fiscal strategy, perhaps not in execution or creative implementation.

ASSEMBLYMAN OTIS: Thank you.

Andy or Karen, do you want to feed in on that?

MR. PALLOTTA: Thinking on the grants, I'm going back to the commissioner this morning, it seems like 12 hours ago, where she talked about the RECOV grant, like and how that has not worked because the RFP has not been released yet.

So things like this are monumental programs that could be really helpful, and we need to get that one out the door. I just want to take the opportunity to say that.

MR. RUBIO: Just to piggyback on something the commissioner said also this morning, some flexibility is also better with

the tutoring piece, for example. As a principal, you're going to have students that need the tutoring, but you're going to have others that need maybe just to be engaged after school in a club or sports or art or music. Or an internship. Or mental health services with a social worker or someone else.

So having that flexibility to serve all the children, not just the ones that need tutoring or anything, is very important. So you take care of the whole child and every child in the school.

ASSEMBLYMAN OTIS: Thank you very much.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Levenberg.

ASSEMBLYWOMAN LEVENBERG: Thank you so much, Chair.

And thank you to all of the educators.

I just wanted to ask for a couple of clarifications. I think you had mentioned that you think, as grateful and excited as we all are to -- looking forward to fully

funding Foundation Aid, that the formula actually does need to be looked at. I just saw something from the School Boards Association also advocating that not only does it get looked at, but it gets reviewed on a regular basis.

So I think that that is something maybe true?

MS. GALLAGHER: Absolutely. It is a public policy success, but one that you've heard throughout the day that needs updating, either in regional calls for what is a sound, basic education for students -- so the census data needs to be -- there are lots of components within it that need to be reexamined.

ASSEMBLYWOMAN LEVENBERG: Absolutely.

MS. ALFORD: And we think also just to maintain the integrity of the aid.

And I think all of us heard today oftentimes it was questionable about whether or not the DOE would be able to reduce class size. And knowing that the Foundation Aid is -- part of that is being used precisely

for that reason, I think we will constantly have to take re-looks at how the dollars are being used.

ASSEMBLYWOMAN LEVENBERG: Absolutely.

And then, again, I'm so excited to hear about the school-based health centers getting funding, and I know that that's certainly led to increases in attendance, making sure that, you know, kids can stay in school when they need to get looked at or get physicals. It's really helped with attendance certainly in schools in my district.

I did just want to comment on -- one of my colleagues mentioned that there were no charter schools up in our area. I know that charter schools were -- had applied in Peekskill and Ossining, which I believe was close to my colleague's district as well. And it's something that the parents definitely fought back against, because we knew that it would have a negative impact on our public schools.

So I agree with all of your comments

about the charter schools undermining and not wanting to increase the cap and getting those zombie schools to stay where they are, in the world of the zombies.

Also the -- I've heard from a number of my districts about the pre-K funding not being sufficient. And I don't know if anybody wanted to comment on that, that, you know, 5,000 versus 10,000, approximately, per child -- the 10,000 was something that was more adequate because the 5,000 doesn't really account for aides in -- for pre-K funding.

And finally, I just wanted to mention about Solutions Not Suspensions. As a school board member for many years, I fought hard to make sure that we had counsel in the room for the -- during hearings, because if students didn't have -- if there wasn't school district counsel in the room, the only thing that a hearing officer could offer was suspension. And I don't think that that is sufficient, and we should be looking at that too.

CHAIRWOMAN WEINSTEIN: Thank you.

Our final questioner, our ranker on Ways and Means, Assemblyman Ra.

ASSEMBLYMAN RA: Thank you.

So I wanted to get into an issue I know was in NYSUT's written testimony, but I know you have limited time, and I know it's an issue that is important to you and your members, and that's 4201 schools.

And as you're aware, there's a proposed $2 million cut in the Executive Budget. But I also know there's a proposal you've been advocating for in terms of trying to enhance teacher retention for those institutions. So if you can talk a little bit about your opinions on those.

MR. PALLOTTA: Definitely.

If you've toured some of the 4201 schools, you see how many needs there are in those schools. Right? So if it's difficult to teach in a traditional public school, when you go to a special school like that it is even more difficult to attract and retain teachers into those schools.

So again, we go back to Take a Look at Teaching, which was NYSUT's initiative to have high school students take a look at being a teacher. Right now you have needs not just for teachers, but for bus drivers and paraprofessionals and social workers, so there are needs throughout. But it's in the Special Act schools, special schools, that you can have an even more urgent need.

ASSEMBLYMAN RA: Well, again, thank you to you and NYSUT for your continued advocacy on behalf of the 4201s and all of our special education schools.

MR. PALLOTTA: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We have no more questions. I just want to, on behalf of all the members, thank you for the work you and your members do in our communities around the state. Thank you.

MR. PALLOTTA: Thank you.

MR. RUBIO: Thank you.

MS. ALFORD: Thank you.

MS. GALLAGHER: Thank you.

CHAIRWOMAN KRUEGER: Thank you all

very much.

CHAIRWOMAN WEINSTEIN: Next we have Panel B: Conference of Big 5 School Districts, Syracuse City School District, Buffalo Public Schools, Rochester City School District, and Yonkers Public Schools.

And just to remind everyone as you're coming down the steps that all of your testimony has been previously submitted, distributed to the members. And you have three minutes each to summarize what is in your testimony.

And just for the next panel to be ready, Panel C is going to be the 4201 Schools Association, the New York State Coalition of 853 Schools, and Advocates for Children of New York. So as this panel finishes up, you may want to take seats closer down to the dais.

And we just have two mics, so you have to share.

EXECUTIVE DIRECTOR PYLE: Thanks so much for the opportunity to testify today. We generally have 10 minutes as a group, and

so I don't generally speak, and that's what we were told, so I'm not going to speak. I did submit written testimony. Folks see me all the time; I'd like to afford them their time, and I know it's been a long day.

So again, we've submitted written testimony. If you have any questions or comments, please feel free to reach out.

But with that said, I'm going to turn it over to Dr. Quezada.

CHAIRWOMAN WEINSTEIN: Great. Thank you.

YONKERS SUPERINTENDENT QUEZADA: Thank you, and it is an absolute honor for me to speak to you this afternoon.

So good afternoon, everyone. My name is Dr. Edwin Quezada. It is an honor to represent the Yonkers Public Schools in the City of Yonkers.

Let me begin with a heartfelt thank you for the commitment and collaboration you have provided. As you will see, Yonkers has given you an outstanding return on your investment and deserves the opportunity to

continue reimagining education.

Yonkers is the most successful large urban school district in the state. The validation is in our graduation and dropout rates. Since 2017 we have consistently achieved graduation rates of over 85 percent. And for the past three years, we have reached 91 percent.

During the same period, our dropout rate went from 4 percent to 2 percent in 2022. Our data show we know how to create the conditions for all students to achieve their potential. Yet for decades our annual challenge is the need to rely on you for nonrecurrent revenue to sustain essential programs, for which we are immensely grateful.

For the first time in over 20 years, because of the federal appropriation, Yonkers was able to employ an adequate number of certified support staff to provide essential equitable programs -- altogether, 221 positions. And let me emphasize that: 221 positions are being funded by this

nonrecurrent revenue. Yonkers students' essential needs and requisite educational opportunities have not and will not change up to 2024. When the funding runs out, the progress we have instituted must not run out.

Yonkers is offering for your consideration 11 viable solutions to help us resolve this potential crisis. Time does not allow me to address all of them, but they are certainly part of your testimony and I would love for you to take a look at them.

However, let me highlight four of them for you. One, appropriating above the Governor's budget an extra $40 million over the course of the next two years in Foundation Aid to address next year's $33 million budget shortfall as well as the ARPA funding loss.

Yonkers receives a 19.6 million video lottery appropriation as a host community. Increase this appropriation to $31.6 million.

Fully fund universal pre-K. Yonkers spends over $25 million, but we only receive about $12 million pre-K.

And finally, address once and for all the infrastructure challenge Yonkers public schools face daily. Our schools are old, and the building conditions survey identified $520 million in needed repairs to address health and safety concerns.

Our students' continued achievement is depending on your continued commitment to our children. Please, help us continue with the success, and we will continue to deliver.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Next?

BUFFALO SUPERINTENDENT WILLIAMS: Good afternoon. This is a very humbling experience for me, the first time that I am before such an esteemed group. I want to thank all of you, each New York State legislator, for this opportunity to testify.

My name is Tonja Williams, and I am the proud superintendent of the Buffalo Public School District. We are the second-largest school district in New York State, and so I sit here today representing

our 30,000 children, 60,000-plus parents, and our 10,000 staff.

I also need to extend appreciation, of course, to our fearless leader, Dr. Betty Rosa, and Chancellor Dr. Young, as well as to our New York State Board of Regents.

I have shared with you an 11-point legislative request summary. For the purpose of my comments today, and being respectful of the time, I will not be able to touch on each one, but I will begin in an order of priority to the Buffalo Public Schools, discussing what it is that the Buffalo Public Schools is greatly in need of.

I begin by sharing that we are in extraordinary times, and so we cannot operate business as usual. I would of course like to thank you all for taking a step with increasing our Foundation Aid. That's very, very, very important to the City of Buffalo and to our schools. But now I must ask that a formula be established that will target specific needs based on the resources that we need in the City of Buffalo.

We spent $143 million last year on charter schools. I support school choice, but what concerns me in the City of Buffalo is that we are reaching a tipping point whereby 28 percent of school-aged children in the City of Buffalo are now enrolled in charter schools. And this is without the charter schools creating equity, transparency, demonstrated achievement outcomes. There has been a practice, at least in Buffalo with charter schools, where we do see a mass exodus of children midyear, and it absolutely disrupts children's education.

Also I would like for this body to consider that there certainly are facility issues with respect to charters. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

ROCHESTER SUPERINTENDENT PELUSO: Good afternoon. I'm Dr. Carmine Peluso, proud superintendent of the Rochester City School District. And just like my colleague, I'm very humbled as this is the first time I am here to speak in front of you.

So thank you for the opportunity to address you and to discuss our priorities for the Executive Budget and its impact on our district.

I want to extend a special thank you to the chairs of these committees, the Rochester delegation, and the entire Legislature for fulfilling your commitment to the Foundation Aid funding. I'm grateful for your unwavering commitment to meeting the unique needs of our students in the Rochester City School District.

Rochester is one of the highest-needs school districts in New York State. The following are several key priorities that the board and I have outlined for this year.

We're pleased that the Executive Budget maintains a commitment to the foundation phase-in. However, there should be no set-asides in the budget. Those decisions should be made locally to meet the needs of the district.

Going forward, we urge the state to ensure that the Foundation Aid formula is

transparent, predictable, and captures our unique student needs.

We ask and implore you to limit the charter school expansion. Currently approximately 7400, or 25 percent of public school students in the City of Rochester, attend a charter school. In '22-'23, Rochester City School District will pay out more than 100 million in charter school tuition and associated costs. We request that you limit the charter school saturation in urban centers. We ask that the New York State Board of Regents is designated as the sole charter-authorizing entity.

The Rochester City School District provides valuable physical and mental health services to our students outside of the regular school day. We urge you to reinstate the $1.2 million Rochester School Health Service Grant funds that have been removed from the Governor's budget. These funds provide additional targeted school health services to assist with increased demands.

We support the Governor's inclusion of

the retiree earnings waiver extension and recommend it include operational staff in the New York State Employee Retirement System. Additionally, we implore your support for civil service reform to address labor shortages in our schools.

The current Transportation Aid mileage limitation must be aligned with conditions in our school district. We are struggling with crime surrounding our schools. It's imperative this issue be addressed by providing reimbursement for transportation below the current 1.5-mile limit.

I once again want to thank you all for supporting the Rochester City School District, our students, our community, and prioritizing student needs. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Syracuse?

SYRACUSE SUPERINTENDENT DAVIS: Good afternoon. My name is Anthony Davis -- and for those of you who are sports fans, I'm a little shorter than that other guy.

(Laughter.)

SYRACUSE SUPERINTENDENT DAVIS: But I'm Anthony Davis, and I have the privilege of serving the students and families of Syracuse as the superintendent of the Syracuse City School District. I appreciate the opportunity to be here, and I'm going to make it a trinity, because I'm also brand-new into this role.

I really want to say thank you, because as a result of your commitment to funding public education, the children of Syracuse City School District are on their way to academic recovery and success.

But I do want to mention the funding cliff that's coming. We remain deeply concerned about the funding cliff looming once federal stimulus funds have been exhausted. As you may be aware, our district has no ability to generate local revenue given our fiscal dependency on the City of Syracuse, where over 50 percent of our properties are exempt from property taxes. In 2024-'25 when these federal stimulus funds expire, we will need to secure new sources of

funding to be able to continue to provide the $41 million worth of programs and supports that these funds currently make possible, because our students' needs for academic and social-emotional supports will continue when these funds no longer exist.

As we enter an era of unprecedented student academic and social-emotional needs, we need the flexibility to innovate, reengineer, and respond in ways that will best support our students. We seek the Legislature's support in providing us that flexibility by removing restrictions on how districts can utilize our Foundation Aid -- restrictions such as proposed high-impact tutoring restrictions, and the established Community Schools and Contract for Excellence restrictions should be eliminated.

In Syracuse we're very unique to the point where we have 27 career and technical education programs that we really pride ourselves on, and we start those programs in ninth grade in Syracuse. But the ninth-grade portion of that CTE program is not funded,

and we are seeking funding for our ninth grade as well because we feel it would be beneficial to our students.

The teacher staffing shortage. To address that, we would ask to continue the temporary waiver of the income cap for returning retirees because as of right now, they are filling a huge gap for us in our district. We need those folks to be able to come back and work for us because we just don't have the workforce out there.

And expand the alternative teacher certification process. And if we could simplify the certification process, that would be outstanding as well.

And I believe my colleagues have covered the charter school argument, so I'm going to let that go for now, and we can take any questions that you might have.

Thank you.

CHAIRWOMAN WEINSTEIN: Sure. We have a number of questions.

First we'll start with our Education chair, Assemblyman Benedetto.

ASSEMBLYMAN BENEDETTO: (Mic off.) Thank you all for being here and taking the time out to be before us.

One quick question. Your graduation requirements, the graduation requirements to get a diploma at a high school here in the State of New York, does it fit the needs of your students?

Isn't the mic on? Oh, my God.

(Laughter.)

ASSEMBLYMAN BENEDETTO: Do you hear -- okay, yes. It's about your graduation requirements, okay, in your city. Okay? What we require in the State of New York, does it fit the needs of the students that you are educating?

YONKERS SUPERINTENDENT QUEZADA: So Assemblyman Benedetto, thank you for that question. And on behalf of the Big 5, I am a member of the blue-ribbon commission on graduation that the commissioner put together, an incredible group of individuals answering your question: Is what we're doing enough for the young people who graduate from

our schools to be ready to enter college and the world of work. And the conversation is extremely rich. I think we are going to be in a great place by the time we are finished. By this summer we will be finalizing a document that will be a recommendation to the Board of Regents.

We are significantly discussing career and technical education. We are significantly addressing what most of us considered to be soft skills, which we can no longer call them soft skills, we have to call them essential skills. And then we also are discussing extensively the concept of project-based learning. Project-based learning allows for the students to acquire those essential skills in a way that is different.

But remember that if we are to create a portrait of a graduate in New York State that supports the business community, then your investment is critical. And I think the word that's going to come out of the Regents is going to drive that investment, and we

look forward for the commissioner to share the final document with you as well.

ASSEMBLYMAN BENEDETTO: I'm fine.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Senator Mayer.

SENATOR MAYER: Thank you very much.

Thank you to my friends. A special thank you to my personal superintendent, Dr. Quezada, and to my friends from Yonkers who have led an incredible fight, along with you in the Big 5, to improve our school systems in our cities outside of New York City. Thank you to all of you.

One thing I think would be helpful, Dr. Quezada particularly -- and I think this applies to all of you -- the ARPA, the federal ARPA money was intended to be used for nonrecurring expenses because they were intended to be COVID-related. Yet in Yonkers and in many other districts, you have used the money to replace a structural inequity, which is that our students did not have social workers, guidance counselors, art teachers, music teachers.

And now it is unique to your districts that we are facing this funding cliff that you are concerned about. Can you explain why in Yonkers we hired 221 people that we're going to need to continue to have on the payroll -- and I know it goes for all of you -- when it was not the original intent but it was absolutely mandatory to meet the needs of our community.

YONKERS SUPERINTENDENT QUEZADA: First of all, Senator Mayer, I think on behalf of all of us, thank you for the work that you have done on behalf of education in New York State. You are a true champion of this work, and I am fortunate enough to be able to call you a friend and to spend time in our wonderful City of Yonkers.

SENATOR MAYER: Thank you, but don't use up my time.

(Laughter.)

YONKERS SUPERINTENDENT QUEZADA: No, no. So I think you articulated the need in Yonkers better than I could possibly do. You know, 221 positions that did not exist in the

Yonkers Public Schools for 20 years. You know, shame on all of us that we did not have a psychologist in every one of our schools, we didn't have counselors in every one of our schools, we didn't have enough social workers, we didn't have enough safety officers. Art and music disappeared in the Yonkers Public Schools.

So me as the superintendent, when that money appeared, I was going to put the services for my children in the classroom where they need them most.

BUFFALO SUPERINTENDENT WILLIAMS: And I could echo that for the City of Buffalo. We now are in a situation where every single one of our schools is staffed with school counselors, with social workers, with psychologists. We've been able to increase school security in the schools. And, you know, it's only benefiting the children. And we see it. We see it.

SENATOR MAYER: Yes, I just -- just briefly, because I have little time left. On the charter saturation in each of your

communities, I know the superintendent -- Madam Superintendent, yours is close to 25 percent in Buffalo, is that right?

BUFFALO SUPERINTENDENT WILLIAMS: When we actually looked at our data, as of yesterday, it's 28 percent. So it's even higher.

SENATOR MAYER: Twenty-eight percent.

And Syracuse and Rochester?

ROCHESTER SUPERINTENDENT PELUSO: So we're at roughly 25 percent right now, 7400 students.

SENATOR MAYER: And Syracuse?

SYRACUSE SUPERINTENDENT DAVIS: I think we're just a little bit under 25.

SENATOR MAYER: A little under 25 percent.

SYRACUSE SUPERINTENDENT DAVIS: Yes.

SENATOR MAYER: Thank you very much.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Smith.

ASSEMBLYMAN SMITH: Thank you.

And thank you all for your work for the benefit of our children and families.

Dr. Williams, I just wanted to ask, because your city -- the last year has been really a tough time. I know the rest of the state -- I'm from downstate -- we're all thinking about everybody there and everything, with the snowstorm, with the shooting. Can you speak to some of the things that you've taken action on or needed assistance with to try to, you know, help the community come together? Because I'm sure there are a lot of things.

BUFFALO SUPERINTENDENT WILLIAMS: Sure. Thank you for that question.

The City of Buffalo, this past year certainly we have had our share of challenges. They began really last February. Unfortunately, we did have a shooting and a stabbing outside of a school, and, you know, our former superintendent resigned and I was put in as interim. And then we had a mass shooting in our city in May, and we've had a couple of snowstorms. We had an earthquake two days ago, which, you know, was interesting.

But some of the things that we have done is that we have really enhanced restorative practice training for our staff. Trauma-informed care is really something that is a fabric that's engrained in all of our schools. We have worked very, very closely with community-based organizations. They've really wrapped their arms around them, so in all our schools we have mental health services in every single one of our schools. because whatever happens in the city certainly touches all of our families and it touches all of our children also.

ASSEMBLYMAN SMITH: Thank you.

CHAIRWOMAN WEINSTEIN: We go to Senator Jackson.

SENATOR JACKSON: Good afternoon, everyone. Thank you for coming and giving a report.

I just -- I have a question right now for the Rochester School District. Are you aware that -- of the proposed cut of $325,000 for the special monitor you have there? Can you speak on that, and how long

have you had the monitor and what's the status of the system?

ROCHESTER SUPERINTENDENT PELUSO: So that is in our legislative priorities. Thank you for the question. It has been removed for funding --

SENATOR MAYER: I'm sorry, it's still hard to hear you.

ROCHESTER SUPERINTENDENT PELUSO: Is that better now?

SENATOR MAYER: Yes.

ROCHESTER SUPERINTENDENT PELUSO: Sorry. So it has been removed as an item in the budget for $175,000. Our monitor's contract ends this year. We would wait to hear what the state is going to do with the request for a monitor. But if the request is still to maintain a monitor in our district, right now as the budget stands it would be an unfunded mandate for us. So we would request that that money be back in the budget if it is going to be part of it.

Now, that $175,000 that's on there for that one line item is a portion of the

monitor's contract. So it's not the full contract. But if we are going to continue with the monitor, we would request that that funding be put back into the budget.

SENATOR JACKSON: And that was monitoring the school system, is that correct?

ROCHESTER SUPERINTENDENT PELUSO: That is correct. That's the independent monitor for the school system.

SENATOR JACKSON: And how's your budget -- I understand that you basically set your own budget, not the mayor of Rochester, is that correct?

ROCHESTER SUPERINTENDENT PELUSO: So we -- yes, we set our own budget. We have a $110 million give from the city every year that's been the give for -- I think as long as 20-plus years consistently. But yes, we set our own budget.

SENATOR JACKSON: So are you anticipating that you will keep your same staffing and maintain it, rather than having to cut staff concerning your budget this

year?

ROCHESTER SUPERINTENDENT PELUSO: This year's budget, I believe with the additional Foundation Aid, we are going to be able to maintain. I am worried about what's going to happen in '24-'25 with the reduction of ARP, if the ARP money ends as -- and there's no extension in terms of the spend on that. As well as, you know, our current district footprint and our size, based on -- will need to be revisited to make sure that we're using our resources as best we can, and it will have an impact on our budget for the '24-'25 budget.

SENATOR JACKSON: And what about Buffalo, New York? How are we doing?

BUFFALO SUPERINTENDENT WILLIAMS: We are pretty much the same, although we started to work proactively in looking at everything that we have that's funded from the ARP budget, and we're trying to plan and see how, you know, we will continue services with possibly less dollars.

SENATOR JACKSON: And I heard you

mention recently that you have counselors, you have social workers and all the things you need right now. Will you be able to maintain those services a year or two years from now?

BUFFALO SUPERINTENDENT WILLIAMS: That's going to be a priority. Our children need it. Our children have been through a lot of grief, a lot of trauma. They've had interrupted educational services. And so that's something that will be prioritized.

SENATOR JACKSON: Thank you. My time is up.

CHAIRWOMAN WEINSTEIN: Thank you.

Before we go on to additional legislators, I just wanted to mention first, for the legislators, all of the testimony of these witnesses, all the nongovernmental witnesses, was emailed I believe yesterday. But the nongovernmental witnesses are trying -- and Mr. Tedisco could appreciate this -- to save a little paper, save a few trees.

And also, if there are people who are

here as witnesses in future panels today and you have not yet checked in with our staff, can you please do so at the desk at the top of the stairs to my right, your left. Thank you.

And now we go to Assemblymember Jackson.

ASSEMBLYWOMAN JACKSON: Hi. Thank you for your testimony.

I'm hearing that Yonkers is doing great things. I'm just wondering -- and I know Rochester is struggling, right, with their school system. So I'm just wondering is there -- is there a cost per student that works and can be utilized in other areas?

So what's the cost per student, I guess, in Yonkers that we've seen is working, and can we then duplicate that in other areas? And would that be part of the solution to getting better graduation rates in other areas?

YONKERS SUPERINTENDENT QUEZADA: Thank you, Assemblymember Jackson.

And, you know, that's such an

interesting question. The per-pupil expenditure in the City of Yonkers is an easy $25,000 per student.

You know, the state gives us under $8,000 per student. Yonkers is 272 on the list of per-pupil appropriation for a city of our size. I think the concept of success is driven by the consistency that we put in place and by the funding that is appropriated.

My colleagues are wonderful superintendents. They are new to their districts. Fortunately, this is the ninth time that I'm coming before you. So consistency matters when we speak about success, and funding matters when we speak about success. And per-pupil appropriation has to come to a level per student for us -- you know, an urban community -- that will exceed $25,000.

You know, this concept of $10,000 in today's day and age, with the needs of our students, just doesn't work.

ASSEMBLYWOMAN JACKSON: Got it.

And my colleague from Rochester, is there anything that you think would be helpful in increasing your literacy and graduation rate when it comes to funding and finance?

ROCHESTER SUPERINTENDENT PELUSO: Yeah, I believe that once again, having the increased Foundation Aid, if we can maintain that money to continue to support literacy at the early grades, would be extremely important.

I just want to say from a set per-pupil amount, right, our kids all carry different needs, different supports, different -- you know, some of them are ELLs, some of them are students with disabilities, so it makes it really hard to kind of say that there's one set amount that could help.

So I think funding in order to help our students with disabilities, our English language learners -- we have a large percentage, upwards of 24 percent, of students with disabilities, and we need to make sure that we have funding to support

them as well.

ASSEMBLYWOMAN JACKSON: Got it. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator John Liu.

SENATOR LIU: Thank you, Madam Chair.

Thanks very much for all of your great work.

If you're at like a quarter of your student populations going to charter schools, do you still need as many schools as you have? Or does it make sense to maybe shut some of them down?

BUFFALO SUPERINTENDENT WILLIAMS: So in the City of Buffalo we have closed some schools, but what we find is that you may have, you know, two students from this school or three students from that school, and it makes it difficult to condense or collapse schools.

And also what we find is that midyear many, many of our children come back to the Buffalo public schools. So they may leave at the start of the school year, and by the end

of February, between the end of February and May is where we see most of our children returning.

SENATOR LIU: But you're talking about 25, maybe 28 percent of your student population is going to charter schools. So it's not like a couple of students here or there. You know, I'm guessing you're talking about hundreds at one school, particularly.

BUFFALO SUPERINTENDENT WILLIAMS: No, we have 60 schools, so it wouldn't be at one school.

But we do have, you know -- so let's just say --

SENATOR LIU: No, what I mean is it could be over a hundred students at one particular school.

I'm getting at like do you -- is it possible to shut down any of these schools so that you ease the strain?

BUFFALO SUPERINTENDENT WILLIAMS: We have. We've collapsed. Yes, we have, in the last couple of years.

SENATOR LIU: You have collapsed

schools already.

BUFFALO SUPERINTENDENT WILLIAMS: Yes.

SENATOR LIU: Is there an opportunity to collapse more, or is that -- does that become much more logistically difficult?

BUFFALO SUPERINTENDENT WILLIAMS: We would like to not collapse any more schools. We would like to maintain our students. We would like to ask if -- you know, if this body would consider us not expanding additional charter schools until we get a handle on -- you know, in fact there are other charter schools that are in the City of Buffalo actually educating children at the same level that the Buffalo public schools are. We looked at, you know, our data --

SENATOR LIU: How do all these charter schools come into Buffalo or Syracuse or Rochester or I guess Yonkers too, although I don't think Dr. Quezada addressed the charter school issue -- how do all these charter schools get there?

BUFFALO SUPERINTENDENT WILLIAMS: That's a good question. I'll have to confer

with Dr. Quezada to see what he's doing in Yonkers so that we can limit it.

SENATOR LIU: Well, perhaps --

SYRACUSE SUPERINTENDENT DAVIS: I'm not sure how they got to Syracuse, but they're there. And what we've done is use that opportunity in a way that we're trying to do some specialized things for our students in different neighborhoods to provide more equity.

So, as I talked about, our career and technical education programs, those are spread out throughout our city so that kids are actually doing a lot more things that they're interested in.

SENATOR LIU: We heard from the previous panel that the charter schools were approved over the objections of your local school systems.

SYRACUSE SUPERINTENDENT DAVIS: Some of that is true, yes.

SENATOR LIU: Mr. Davis, do you have anything with Syracuse? I'm sorry, Doctor --

ROCHESTER SUPERINTENDENT PELUSO: I do

want to echo those remarks, that we have reduced our footprint and we have closed buildings in situations where our enrollment is declining.

I will -- I know our time's up, but, you know, charter schools do a better job of marketing than we do sometimes, and we need a better marketer of our -- what we offer our kids. We offer just as good programs in the district as they do.

But we have looked at our buildings, and we have reduced buildings.

SENATOR LIU: Do you keep waitlists for your public schools?

CHAIRWOMAN WEINSTEIN: Time's up, Senator.

SENATOR LIU: Okay, thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Hyndman.

ASSEMBLYWOMAN HYNDMAN: Thank you.

Would you be able to break down for the districts that have charter schools, are they chain, are they individually operated? What are you finding in your districts?

When we say chains, in New York City we usually mean like -- there are certain models that are, you know, more than one location, several --

BUFFALO SUPERINTENDENT WILLIAMS: I think we certainly have a little of all of it in Buffalo.

ASSEMBLYWOMAN HYNDMAN: A mix of all, okay.

ROCHESTER SUPERINTENDENT PELUSO: The same.

SYRACUSE SUPERINTENDENT DAVIS: The same thing in Syracuse.

ROCHESTER SUPERINTENDENT PELUSO: We do have a mix. We have both.

ASSEMBLYWOMAN HYNDMAN: Okay. And is -- I notice Albany's not here. Are we looking for -- is there a search on for Albany superintendent? Is there a search going on right now for Albany superintendent? Because we lost Superintendent Adams, right?

EXECUTIVE DIRECTOR PYLE: Yes. Kaweeda Adams is now a deputy with the Big 5 {inaudible}.

ASSEMBLYWOMAN HYNDMAN: Oh, okay. And I was under the impression outside of New York City BOCES exists in all areas. All of you put CTE in your written thing. You don't have -- so all the Big 5 and New York City do not --

YONKERS SUPERINTENDENT QUEZADA: (Inaudible.)

EXECUTIVE DIRECTOR PYLE: Actually, in addition to the Big 5, Albany is actually {inaudible}. There are a handful of districts across the state that are not {inaudible}, including the Big 5.

ASSEMBLYWOMAN HYNDMAN: Okay. Thank you.

YONKERS SUPERINTENDENT QUEZADA: We do use services from the BOCES that are around us.

ASSEMBLYWOMAN HYNDMAN: Oh, you do. Okay. All right, thank you.

CHAIRWOMAN WEINSTEIN: Is Assemblywoman Simon here? I think she stepped out.

Assemblyman Conrad.

ASSEMBLYMAN CONRAD: Thank you, Chair.

Hi. This is specifically to Dr. Williams.

It's good to see you. You've been through a lot in your first year in tenure at the Buffalo City Schools in this position, so I'll take it lightly. But we've got a lot of news in the Buffalo News and articles, and especially things going on in McKinley. Just your thoughts about the -- how do you view the need to balance the student behavior accountability issue and the school safety with the conversations right now around the push to reduce suspensions that we've been seeing, but also just, you know, other -- in other disciplinary measures.

How are you juggling that? What's your thoughts on that as we get into this? Because, you know, it's something that -- we don't want to see kids suspended, I think is the right answer. But at the same time, what is working? And we want to keep kids safe, too, in that classroom as well. So what's your thoughts?

BUFFALO SUPERINTENDENT WILLIAMS: Absolutely. We have prioritized safety, security, and wellness in the Buffalo public schools, and we really started with a very aggressive model about restorative practice and trauma-informed care training. We started by training all of our school leaders, and we are now in the process of rolling the trainings out in a very systemic and strategic way to our staff, to our teachers.

We work very closely with our parents. We have parent education liaisons in every building, so they are now working with our parents. We increased the number of school security officers that we have, so that we will have school security in all of our schools.

We recently also purchased -- they're called Evolv scanners, so they're kind of metal detectors, when any visitor or student enters our school, that they go through. They're non-obtrusive. They're not hardened. You know, we've been keeping a monitor on

that. And the children have shared that they actually feel safer with those scanners being implemented.

So we're taking some very strategic steps to make sure that all of our schools are safe.

We also have enhanced the social-emotional learning curriculum, and we've really, you know, focused a lot on our students in pre-K through grade 3, but it's something that we intend to grow. And during the summer we do a lot of work with social-emotional learning with our children.

ASSEMBLYMAN CONRAD: Thanks for -- thank you for that.

And I know you mentioned it briefly, talking about charter schools, but you mentioned problems with the charter school facilities before you kind of ended out. Is there anything you wanted to add to that conversation?

BUFFALO SUPERINTENDENT WILLIAMS: Yeah. You know, many of our charter schools exist in former schools that were Buffalo

public schools. And, you know, they now are -- have been converted into charter schools. And, you know, we've developed a team, a very diverse stakeholder team that is talking a look at all of the buildings that we have in our school district.

Some of our buildings are very antiquated and don't necessarily still meet the needs of the students. We would like to have buildings that are state of the art, and I think that's a part of us maintaining some of the students within our district.

CHAIRWOMAN WEINSTEIN: Thank you. Thank you all for your participation today at our hearing. Thank you.

Our next panel is comprised of the 4201 Schools Association, the New York State Coalition of 853 Schools, and Advocates for Children.

As they make their way down, the panel following will be the New York State Council of School Superintendents, New York State School Boards Association, BOCES of New York State, Rural Schools Association of New York

State, and New York State Parent Teacher Association.

If you want to make yourselves -- come down the steps so that we can move on to you when we get there.

And while we're getting everybody seated, Assemblyman Manktelow has joined us.

So could we start with the 4201 Schools Association?

DR. KAPPEN: Good afternoon. My name is Bernadette Kappen. I'm the chair of the 4201 Schools Association. And thank you for having us here today.

I first want to thank the Assembly and the Senate for their long-standing support of the 4201 schools. You've been our champions for so many years.

I'm here today to ask for a few things; one, for our support from the state. First, that you would reject the Governor's proposal to eliminate $2 million in our budget. This is really critical, that we're able to maintain the funding for our schools.

And the second is to increase our

direct support by 6 percent. This is the only way that we're able to maintain any kind of growth for our schools, and this would be meeting the needs of the students as they change. We've heard so much here today about mental health. This is the only way that we're able to continue to support our own students. The Governor has a $10 million proposal in her budget that we are not able to take part in, so that we have to use our funds to support our children in this way. And our children have the same needs as any of the other children that would be in public schools.

We are happy to see, once again, that there's the support for the capital improvements for our schools. As you know, many of our schools are very old. One school is over 200 years old, others are nearing 200, and we need to really be able to have good facilities that are safe for our students and that they can have a quality education there.

A fund balance. This is something

we've been thinking about, and it's really good practice in business, that we would be able to retain a small amount of money that could be used for emergencies at the school. And we know what we experienced with the pandemic was challenging. And people have talked about the stimulus and pandemic monies. We never received any direct money in this way. We're able to get some monies through the school districts for supplies, maybe some support, but not for these direct things that other schools are talking about.

So if there had been a fund balance, that could have really been helpful to us. And we hope that that would be something we'd be able to access in the future.

An area that I'd really like to stress for you today is the support for salary growth and workforce investment. Our children have very unique and special needs. You can imagine, if you're a teacher of the blind, that you need to be really skilled in Braille. We need staff that are able to teach children to travel independently in the

community, in addition to their academic needs.

If you're in a school for the deaf, those teachers need to be well-versed in language and communication to provide that direct access to learning for the children, with a high level of skill in sign language.

And for our colleagues that support children that are severely physically disabled, many of these children have extreme health problems and probably would not be able to be in school if it wasn't for the specialized school. Some of them are on different types of oxygen, they may have trachs that they're using, that they need those health services at their school.

Our teachers are really committed to the students. However, there's a huge gap between what we can pay them and what they can get paid in the regular public school or at a BOCES. We provide a lot of staff development for our folks, and they're in need out there. They're being recruited away from us. They could leave one of our schools

and probably make 15,000 to 20,000 dollars more.

So we really need to work on this. For our children to succeed and to achieve, we need to have quality teachers. And we've heard this all morning and in the afternoon: It's hard to recruit teachers into the field. We would ask you to consider $30 million over three years.

Thank you so much.

CHAIRWOMAN WEINSTEIN: Thank you.

DR. PLACKE: Good afternoon. My name is Dr. Ed Placke. I'm the president of the 853 Coalition. It represents 853 schools throughout New York State. I'm also the executive director of Green Chimneys, which is an 853 residential program located on 700 acres in Putnam County, New York, and we were the first group to figure out that animals regulate children. So that's worked out really well for us.

As far as today is concerned, I realize there's a variety of asks, and I have a very simple ask on behalf of the families

and the children as well as the staff of the 853s. And there's about 60 of us, somewhere in that range, and we educate less than 1 percent of the overall population of kids with disabilities. We primarily work with youngsters who have significant mental health issues, of average intelligence, but have a variety of behavioral issues, emotional issues. Many of our schools also work with youngsters with developmental disabilities.

The common denominator with all of our students is that they're not able to be educated in their home school district or in a BOCES program.

And ironically, I see Mr. Tedisco. Almost 20 years ago I sat here with Commissioner Mills, when I was the assistant commissioner of education, and talked about the tuition methodology that funds the 853s as well as Special Act schools, and that it's going to put schools in fiscal peril. Well, almost 20 years later we're absolutely there. And Dr. Rosa spoke eloquently about our tuition methodology system. We said it was

broke, and it is absolutely broke. The good news is the Governor has put $2.5 million in the budget to help reimagine what that looks like. And almost 20 years ago we talked about poor technology, it was laborious, it was never accurate, it was always late -- and it hasn't changed in almost 20 years.

So my hope is that you'll get behind that particular part of the budget.

The other thing we're advocating for is our workforce. Most of my colleagues said working in an 853 are challenges to public schools. And I know in Putnam County we're about 30 to 35 percent less than the local public schools as far as salary. We're also not in the Teachers Retirement System. I'm not advocating for that today, but that's a real hook for many teachers when they realize what kind of support that is long-term.

The other part of the ask is a 12.1 percent COLA. Last year, thanks to the Legislature, we got an 11 percent COLA. We're asking for a 12.1 percent to be somewhat equitable with the school districts,

but to also help with our staffing. Right now 25 percent of our group indicates that they can't find teachers who are certified, and they can't find social workers, clinicians and other clinical-type folks. So we are really challenged by that.

So again, thank you.

MS. LEVINE: Thank you for the opportunity to speak with you. My name is Randi Levine. I'm policy director of Advocates for Children of New York.

We are very pleased that the Executive Budget includes the full implementation of Foundation Aid for the first time. This funding increase is sorely needed, and we thank Governor Hochul and the Legislature.

We will briefly outline recommendations based on our work on the ground helping thousands of New York families navigate the education system each year.

First, we support funding for high-impact tutoring in reading and math. We urge you to ensure that any funding that moves forward for tutoring can be used for

students in grades K-12, not just grades 3-8. Each year we hear from numerous families of children, including high schoolers, who are struggling with reading and cannot get help. We can't leave these students behind.

Second, we are pleased that the Executive Budget includes $2.5 million for a study of alternative tuition rate-setting methodologies for preschool special education programs and state-approved nonpublic schools for students with disabilities. However, we are concerned about the requirement that the recommendations be cost-neutral and urge you to eliminate this language.

The state is failing to meet its obligation to students with disabilities and must have the flexibility to consider methodologies that will enable these schools to have the teachers, service providers and specialized programs they need, even if doing so costs more than current spending.

We also urge you to ensure there is a rate increase for these programs on par with the increase to school districts this year.

Third, only 65 percent of English language learners graduated high school in four years in 2022, and 16 percent dropped out statewide. But the Executive Budget does not include any new targeted investments for ELLs. We recommend the budget include $1 million for a bilingual educator pipeline program to increase access to certified bilingual educators and bilingual special education teachers.

Fourth, the COVID-19 pandemic has spurred a youth mental health crisis. We are pleased the Executive Budget includes $10 million for student mental health support programs, among other investments, but it is not nearly enough to support students statewide. We urge you to increase investments in school-based behavioral and mental health supports by $100 million, and to pass the Solutions Not Suspensions Act to keep students in school, supported and learning.

Fifth, we urge you to reject the Executive Budget proposals to lift the

regional charter school cap and to reissue charters from schools that closed until civil rights issues are addressed and financial implications for district schools are assessed. We need clarifications in the law to protect the rights of students with disabilities, English language learners, and students facing suspension or expulsion at charter schools and ensure needed funding is not diverted from district schools.

Finally, we are concerned about the expiration of the federal COVID-19 relief funding in the fall of 2024. In New York City alone, more than $700 million is being used for education initiatives that will continue to be needed: 3-K, preschool special education programs, social workers, nurses, Community Schools, supports for students with dyslexia and students who are homeless, and much more. Elected officials at all levels need to start planning now to identify funding to sustain these initiatives.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblyman Benedetto.

ASSEMBLYMAN BENEDETTO: Speaking? Speaking, good.

Thank you for your testimony. Thank you for being here. You know, I'm really sorry -- and please forgive us -- for years you have taught, and you have taught so wonderfully and worked for our students, and we have treated you shabbily. You have been fighting endlessly for more money that should have been rightly given to you, and the fight continues.

And all I can say is we will try. We have listened to your testimony; we will try to do what we can to finally put this to bed and properly educate the kids in New York schools. So do forgive us, but we will try. Thank you.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Senator Shelley Mayer.

SENATOR MAYER: Well, good afternoon. Good to see you. Dr. Kappen particularly,

very nice to see you.

A question for you all on the Governor's proposal to have a new rate-setting methodology. But with budget-neutral, which to me is extremely challenging to think that that is plausible.

I know some of you spoke about it in your testimony. I just wonder, from your perspective, to the point that my colleague Chairman Benedetto raised, at the end of the day, in order to make up for the years of shortfall to the students you serve, is there a way to redo the rates that is budget-neutral, in your opinion? Like Dr. Kappen, I'm asking you particularly.

DR. KAPPEN: For the 4201 schools, we're not under the rate-setting methodology.

SENATOR MAYER: Oh, yes.

DR. KAPPEN: We have a different formula for us. So it would probably be more for 853s.

SENATOR MAYER: Yes, I apologize, you're right.

DR. PLACKE: Yes, that's a very good

question.

Essentially, this is going to have to be reimagined. We're going to need to start from ground zero. When I worked for SED, that was the focus; this was only going to be a temporary methodology. And now, 20 years later, obviously we're in the same place.

So my thought is that the community has to be involved, the providers need to provide feedback in regard to what it's going to look like. So absolutely, I believe that -- I have great faith that we can do this.

The only issue is going to be it's State Ed time, so it may be three or four years down the road before we have a final decision and a final methodology, and in the meantime we have -- our schools are in fiscal peril. So that's where the COLAs come in that need to be provided to us on a regular basis.

But I do have faith, Shelley, that we can make some progress. I think we have some really good thinkers out in the community

working that can provide that type of feedback.

SENATOR MAYER: Ms. Levine, do you want to comment on that?

MS. LEVINE: I believe we need increased investments in preschool special education programs and state-approved nonpublic schools for students with disabilities, after so many years of underinvestment, and need to ensure that these programs have the teachers and service providers and programs they need and that we need the flexibility to explore methodologies that are going to work for students and provide them with the programs they need, and that will likely cost additional funding.

SENATOR MAYER: Great. Question: I recall over the years, having fought some of these battles with you, that you train teachers to do the special work of your schools, and you lose them to the public school system, where they are paid substantially more.

Does that continue to be a serious

problem? And do you have a solution to address it?

DR. KAPPEN: Definitely it's a serious problem. You know, we get a teacher that is certified in whatever their area is, and then we need to work with them to learn more about the children, and they become highly qualified.

I think for us we need to, for the 4201 schools, have some kind of increase to our budget to be able to change the salary scales for the teachers.

SENATOR MAYER: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Thank you.

Thank you for your testimony.

Do you have an opinion on this issue about set aside the money from Foundation Aid -- which may not affect you as much, number one, but it would likely affect your clients.

And then the other question is there's

a problem with the teacher shortage, there's a problem with recruiting teachers, for a host of reasons. Are there particular steps that you think we should take when it comes to recruiting teachers for the students that you teach where we can create some programmatic way of enticing people to work in that field so that they will be able to be the kind of teacher, you know, workforce that you need?

DR. KAPPEN: I would say for -- the teacher recruitment is really for people to have a better understanding. And I think we can recruit people in more easily if they know their salary's going to be equitable to other people.

I think another drawback for teachers -- and not just our specialized teachers -- but it costs a lot of money, first of all, to go through school to be certified as a teacher and then to go through all of the hoops that are required to get certification through the state is very expensive. And I think that's a drawback

sometimes to people.

And I know that, you know, we're not looking to, you know, make things easier, but I think if we're going to attract people in, these are barriers for people oftentimes.

And sometimes for people with disabilities that want to be teachers, just the accessibility is a problem. I mean, I've heard that from teachers -- from blind individuals who want to be teachers. And it's also an issue with the schools for the deaf, I hear that as well, that sometimes the accessibility for the tests, not great. So then people are discouraged and they back away.

DR. PLACKE: We've taken a little bit of a different approach within the 853s. We're looking to grow our own teachers. We have a number of paraprofessionals who are very interested and skilled, and we're providing support for them to pursue their bachelor's degree. Of course we have to do fundraising in order to do that, but that's worked out fairly well.

But regrettably, I have a teaching assistant teaching algebra in a living environment, and I'm not sure anybody who has a child here would want their child being taught by a teaching assistant. But regrettably, we are really desperate at this point. The pipeline to the 853s has really dried up.

MS. LEVINE: And on your first question, we support high-impact reading intervention, we know that we hear from so many families who want it for their children. We would prefer to see that happen outside of a Foundation Aid set-aside.

ASSEMBLYWOMAN SIMON: Thank you.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Senator Jim Tedisco.

SENATOR TEDISCO: Yes. Director Levine, you had a series of important issues you requested funding for. What was the total -- I know there were several of those. What was the total amount when you added all that up, that you thought was necessary? One

was 100 million or --

MS. LEVINE: Yeah, we are talking about several recommendations where there is funding in the Executive Budget proposal, and then a couple of areas where we'd like to see additional funding.

So for English language learners, our written testimony has a few additional recommendations, and we're looking there for several million dollars. And then for a large investment of $100 million in school-based mental health and behavioral supports.

SENATOR TEDISCO: So the total was how much?

MS. LEVINE: I'd have to double-check our written testimony to make sure that I'm including everything --

SENATOR TEDISCO: In the range of.

MS. LEVINE: But approximately $107 million.

SENATOR TEDISCO: A hundred and seven million dollars.

Did you speak of some methodology that

might help, did I hear that in terms of getting that number?

MS. LEVINE: So the Governor's budget proposal includes $2.5 million for -- to study tuition rate methodologies for preschool special education programs and state-approved nonpublic schools for students with disabilities, and we do think that that would help. But unfortunately it would require the recommendations to be cost-neutral, and we think that that restriction must be lifted.

SENATOR TEDISCO: So we could pick up the funding for this from -- from where now? The study was -- I didn't quite get what you said there.

MS. LEVINE: This is an Executive Budget proposal. So within the Executive Budget, the Governor is proposing $2.5 million for a study.

SENATOR TEDISCO: Okay. And how does that check with the funding you just talked about, a hundred and --

MS. LEVINE: So the study is

specifically to look at the methodologies for preschool special education programs for preschoolers with disabilities, and for state-approved nonpublic schools for students with disabilities. And so it is for a particular subset of our recommendations.

SENATOR TEDISCO: So we'd have to find that from someplace else, the 107 million?

MS. LEVINE: No, the $2.5 million is in the Executive Budget proposal.

SENATOR TEDISCO: Okay. But it's not being used for the -- in the area you're concerned about?

MS. LEVINE: Well, this is a proposal. So --

SENATOR TEDISCO: An addition of money.

MS. LEVINE: The Governor has included in her Executive Budget proposal $2.5 million for this study.

SENATOR TEDISCO: And I -- so what do we need this 107 million if it's already in the budget?

DR. KAPPEN: I think it's the first

time that it's been proposed in the budget for the study. I think as we were saying for the 853s, that they've been talking about trouble with the rate-setting for years. So this is probably the Governor's attempt to look at rate-setting for the 2.5. It was never in there before.

SENATOR TEDISCO: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Slater.

ASSEMBLYMAN SLATER: Thank you, Madam Chair. And I really want to thank the panel.

Mr. Placke, as your representative here in the New York State Assembly, welcome. I've been to your campus quite a few times -- not in my first five weeks as your State Assemblyman, but I can attest to the value and importance that Green Chimneys brings to our community and children from all over the region every single day.

One of the things that I did want to just touch upon -- and I understand the funding situation that you had explained to us -- reconciliation. I think there has been

an issue with the reconciliation process for 853 schools. I'm just wondering if you can expand upon what that issue is and if there's a solution that you can propose for us to address it.

DR. PLACKE: On the school side, it is a real problem. (Using mic.) Again, on the school side, it is a real challenge. It's very difficult as far as payback is concerned, because we get interim rates that are based on our CFRs, and then a year or two later it can be reconciled. And --

ASSEMBLYMAN SLATER: Say it again? Is it a year or two later?

DR. PLACKE: It could be a year or two or three it could be reconciled. At that point there could be some payback. So from a cash flow -- and we have very, very tight budgets. And that has been an incredible challenge.

But with the interim rates plus the COLA, that has really -- that was helpful last year. That really preserved us. So going forward until the methodology is

modified, hopefully that will be the train going forward.

But as far as the preschool, I will defer to my colleague.

MS. LEVINE: I think reconciliation is a problem in both areas, and that is certainly something that we're hoping that the cost study will address.

ASSEMBLYMAN SLATER: Great. But I'm -- currently, since it hasn't been addressed, how does that impact your -- I mean, it's an obvious question. How does a three-year delay in reconciliation impact your ability to budget on a year-to-year basis?

DR. PLACKE: Regrettably, it's so unpredictable. It is just a real challenge. And when you look at the budget methodology, you have certain tiers you can't go over for operations and for staffing. So it just makes it almost impossible.

And there are times, though -- there are times, on reconciliation, the tuition rate is increased. So then you've got to go

back to the local school district and recharge them, which is a real problem for the local district because they don't have that in their budget --

ASSEMBLYMAN SLATER: Right.

DR. PLACKE: -- because those expenditures occurred two years ago. So --

ASSEMBLYMAN SLATER: So it's really having a broad impact across multiple systems that we really should, as a Legislature, address.

DR. PLACKE: Yes, it's a concern with us.

Yeah, but in regard to the cost-neutral, that's a no-go. That can't possibly push us forward. And we've had several schools close their doors in the last year, based on fiscal instability.

At Green Chimneys, for example, we get a thousand applications a year. And we accept about 40. So we're about as rigorous as Harvard and Yale as far as our acceptance policy.

ASSEMBLYMAN SLATER: Thank you very

much.

DR. PLACKE: And so, again, we have a large number of youngsters we cannot incorporate because we can't fund the teachers, we can't fund the therapists and the residential staff. So there are a number of youngsters we should be helping that we can't, regrettably.

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate.

ASSEMBLYMAN SLATER: Thank you very much, Madam Chair.

CHAIRWOMAN KRUEGER: Senator Robert Jackson.

SENATOR JACKSON: First I'd like to thank all three of you for coming in and waiting your turn in order to present on behalf of your schools and your clients that you're representing.

I've looked at all three of your statements on our website, and let me just say that I clearly support what you're asking for. I say to you that I know the issue of children with disabilities, I've worked with

that as an advocate in education. My brother-in-law and sister-in-law are visually impaired, but they're technically totally blind now as a result of retinitis pigmentosa. And my brother-in-law, I brought him here when he was about 19, and he went to the Lighthouse and got training there and got his GED and went on and got his associate's, a bachelor's and a master's degree, and he's been a licensed social worker in the State of New York for about 17 years.

So -- and that's because there were organizations and people to help him in order to get the type of education and training that he needs.

So I appreciate all of you, what you're doing. And Randi, I was listening to you read your statement, and you were reading with such speed and clarity -- and clarity -- and finished exactly at two minutes. And I said, gee whiz, how many times did you practice that?

But clearly the points that you're making in there are extremely important and

part of the many things that I'm advocating for in legislation, and you know that.

So I thank you, all three of you, for being very clear about what your needs are, and hopefully we, the legislative bodies of the Assembly and Senate, will come together and move forward on your requests. I just wanted to thank you.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Manktelow.

ASSEMBLYMAN MANKTELOW: Thank you, Madam Chair.

Dr. Kappen, you spoke earlier about fund balance. Did I hear you right that you're not allowed to have a fund balance at this point?

DR. KAPPEN: Right now, no, we don't have any fund balances, no.

ASSEMBLYMAN MANKTELOW: So when something happens -- you know, we went through COVID; let's say tomorrow one of the

schools has a major issue. Where do you get that money from?

DR. KAPPEN: If people didn't have any other resources on their own, they would have to get it from their credit line to be able to do it. So, you know, that's a problem.

ASSEMBLYMAN MANKTELOW: So then you have to budget long-term for that credit line, I'm sure.

DR. KAPPEN: Correct, right.

ASSEMBLYMAN MANKTELOW: So what can we do here to help you get a -- have the ability to get a fund balance? And my second question is if we can do that, how can we help you build that fund balance?

DR. KAPPEN: Last year we were really so happy that Assemblyman Benedetto and Senator Mannion circulated a letter for us on behalf of the fund balance. It didn't make it into the budget, but that would be something that if you could support us in that, and within your group to circulate that, and hopefully get the Governor to understand that this is best practice and

certainly something that the State Comptroller also recommends for organizations, would be really helpful to us.

ASSEMBLYMAN MANKTELOW: Thank you for that answer. And I do know that we do know how important you are to the state, and people will realize it when you go away. And we do not want you to go away. It's not fair to the students, the children and the families.

So thank you for taking the time to be here.

DR. KAPPEN: Thank you.

CHAIRWOMAN WEINSTEIN: So there are no more Senators. We still have a number of Assemblymembers.

Assemblyman Otis is next.

ASSEMBLYMAN OTIS: Thank you, Chairs.

And thank you for your testimony.

A question related to Bernadette and Ed for the 4201s and the 853s. It's a long story about the financial jeopardy that these schools are in. And, Ed, you were just sharing how many we've lost even in recent

years.

So my question is, what is the best way to communicate school by school the level of financial challenge that they are facing? Is there something the two associations could do to have the schools pull together that information so that DOB has it, so that SED has it, so that the Legislature has it, to help us build the case for some kind of -- what I think is necessary is direct support to put all of your financial houses in order.

DR. PLACKE: As a former superintendent of a Special Act, Greenburgh-North Castle in Dobbs Ferry, we annually had a process or a coalition put together to provide that information. I mean, at one point I had a $22 million budget with a $7 million deficit, so we were really on the edge of closing our doors, regrettably.

But we did have a system, and the state was fairly responsive. And obviously our ask was to redo the tuition methodology to help, and also look at a fund balance. So

that's something -- the 853s, we haven't gone that route yet, but I think we need to do that, to use that same methodology.

DR. KAPPEN: In the 4201 group, we have been, you know, talking about our funding also and gathering information that we are able to share, hopefully with SED as well as the Department of Budget, also, that they have a better understanding of our needs.

And I think that is the only way, is by talking and sharing information. And I think for people also to see who it is we're talking about. You know? I think that's a problem, often, when you don't see the faces of these children. I mean, and some of them have very significant issues. I mean, they may be blind, but they have other issues. Deaf, other issues.

And I think it's costly to support these children, but they deserve it. No one can put a dollar sign on what someone's quality of life should be or how, you know, we should think this one's more worthy than

the other -- that we need to advocate for the children and their family.

And they will be successful. I can say at our school, whatever money we get, we have 100 percent graduation rate. So the children will go on to college or some other kind of work. That's not true for every school, because some of the other children have more significant needs. But they're more independent to take their place in the group home, in the home. Even if they can go to church with their parent, that's a relief for the child.

ASSEMBLYMAN OTIS: Thank you. I just have 7 seconds left, and what I want to say is that I think that we have to think beyond the methodology, per-student methodology, and get you a funding stream to deal with the stability issue. Thank you.

DR. PLACKE: And if I could just mention, I think --

CHAIRWOMAN WEINSTEIN: Sorry. Time's up. You can have a conversation with Mr. Otis offline.

Assemblywoman Jackson.

ASSEMBLYWOMAN JACKSON: I'll allow you to use my time to mention it. Go ahead.

DR. PLACKE: Again, if there's one takeaway today, I think it's important, even though we're talking about our most vulnerable part of the population, there is such hope for this particular group. When you look at the employment rate of people with disabilities in New York State, it's abysmal. Again, depending on what you look at, it could be anywhere from 70, 75 percent of people with disabilities are not working.

And if you think about yourself, when someone asks you "What do you do," you've always described yourself based on your work. You ask most people with disabilities "What do you do," they don't have an answer. Because we define ourselves by the way we work.

But if you can just walk away today remembering these are public school students. They are public school students whose families live in our community, and often we

don't view them in those terms. So that's something --

ASSEMBLYWOMAN JACKSON: Thank you for that. And I want to say thank you for bringing students up here. They taught me some sign language while here. So thank you for bringing them.

The 30 million over three years, Dr. Kappen, you mentioned, does that help with expansion of any sort or is it just to survive to get through the next three years? I know students are traveling really far to get to these schools because they're so limited. So can you talk to me about what the 30 million over three years, what that looks like?

DR. KAPPEN: I think that would definitely be a good jump-start for us to get going. And then I think we'd also then need to make sure we get support ongoing to be able to maintain those increases for people as we go forward.

But we'd have to look at redoing our, you know, salary scales to make sure that

they would be more in line. We're not, I think, naive enough to think we're going to be 100 percent aligned, but the gap should be less, you know. And I think that's what we're aiming for.

SENATOR JACKSON: Are there any thoughts from all three of you around how we can get more people into staffing? So you said you need therapists, staff and other aides. What can we do?

DR. KAPPEN: I would agree -- I mean, we've been trying also -- we have some really wonderful teacher assistants as well, that have been with us for a long time. So we try to support them to join and be a teacher in the future.

We also have been trying to work with two of the schools in the city that provide teacher training, to get people to come and do internships, student teaching, so that they can maybe like what we do.

And as I said, again, the drawback there is if we can't compete with the DOE, people are going to go to the DOE. I think

that's really what holds us back in that area. Because once they come with us -- and in our situation, we have people that have been with us for a long time. That's not going to keep happening if people aren't adequately paid and they live in New York City.

ASSEMBLYWOMAN JACKSON: Thank you.

DR. PLACKE: Yeah, the only other recommendation I would have, we need to develop pipelines to our high schools as far as young folks getting interested in the beauty of teaching.

ASSEMBLYWOMAN JACKSON: Thank you.

CHAIRWOMAN WEINSTEIN: Time.

So next, Assemblyman Smith.

ASSEMBLYMAN SMITH: Thank you.

And actually, my colleagues covered a lot of what I wanted to ask you. But I did want to just take a moment and just say thank you for the work that your schools are doing. In my opinion, it's a cost savings to invest in these schools because if individual districts had to try to provide that, they're

just not able to do that.

So the work that you're doing -- and I think I echo Chairman Benedetto's feelings on this, that I think we all want to prioritize this. And you are helping us deliver free and appropriate public education in the least restrictive environment. So thank you for your work.

CHAIRWOMAN WEINSTEIN: Thank you. There are no other questions, so again, on behalf of all the panelists, thank you for what you do.

DR. KAPPEN: Thank you.

DR. PLACKE: Thank you.

CHAIRWOMAN WEINSTEIN: We still have 25 witnesses, so -- the day goes on.

Panel D, New York State Council of School Superintendents, New York State School Boards Association, BOCES of New York State, Rural Schools Association of New York, New York State Parent Teacher Association.

And again, the next panel, Panel E -- New York Library Association, New York Association for Public Transportation,

New York School Bus Contractors Association, New York State Association for Computers and Technology in Education, and New York State Community Schools Network -- if those panel members can make their way towards the front of the hearing room.

MR. LOWRY: Good afternoon. Thank you for this opportunity to testify today. I'm Robert Lowry, deputy director of the New York State Council of School Superintendents.

We're grateful to Governor Hochul for following through and fully funding Foundation Aid and funding expense-based aids according to current law formulas. But we know it's been your resolve that has been crucial in allowing us to reach this point in defending the formula and pursuing its funding. So thank you.

Before providing some reactions to some of the Governor's proposals, I'd like to give context. My organization has done surveys of superintendents over the years. In this last survey there were really two major themes that emerged. One is that

schools are doing many more things to help children and families with concerns, things like non-academic concerns -- things like childcare, healthcare, mental health services, after-school care, and so forth.

Another is that the infusions of state and federal money have made a big difference. For example, 82 percent of superintendents said this year that their budget will improve student mental health services; 79 percent said it will improve extra academic help. The majority said it would improve core instruction at every level. Prior to last year, only twice had a majority of superintendents said their budget would improve any area of student services.

On Foundation Aid, we have three requests. One, yes, do follow through and fully fund the formula. Second, please expand upon the 3 percent minimum increase that the Governor proposed. Eighty percent of the districts getting the minimum are average or high-need, and all of them struggle to raise pay, to fill essential

jobs, and live within the property tax cap.

Third, start a commencement process to build consensus on steps needed to update and improve the formula. We've repeatedly called it an underappreciated accomplishment in policy, but it's more than a decade old. Some factors do need to be reconsidered.

With lower inflation and without further change in the formula, future increases will moderate considerably. Also, the federal COVID relief aid will expire next year, so there is concern about sustainability of improvements. So we support an increase in the unrestricted fund balance limit, at least on a temporary basis.

We oppose the proposed requirement to have districts set aside funding for high-impact tutoring. Districts have been putting money into extra academic help, partly by choice and partly because it was required by the federal COVID relief aid. And districts in some cases have struggled to find people to do the work.

Also, the set-aside could preclude

districts from addressing other priorities like improving student mental health services, offering competitive pay, or holding down property tax increases.

We support increases in funding for CTE, steps to try and address hiring shortages, and we appreciate the efforts that the department has made to simplify teacher certification processes.

I will stop there, but I look forward to your questions.

CHAIRWOMAN WEINSTEIN: Thank you.

MS. BELOKOPITSKY: Thank you. I am Kyle Belokopitsky, executive director of the New York State Parent Teacher Association, and I'm proud to represent our 220,000 members and our 2.6 million school children.

It is our mission to make every child's potential a reality, supporting kids, raising awareness with one voice. On behalf of our president Helen Hoffman, thank you to the chairs and members of the Legislature and Governor Hochul for everything that you do for our children and families.

We continue to watch in awe as dedicated, outstanding educators, school-related professionals and staff, and families do all they can to support our children each and every day in our school buildings and homes. But while our children learn and our educators teach and support, they still struggle, and that's why we need your continued support and partnership.

Today I will speak on two main policy issues, school meals for all and school-based mental health, and briefly mention our opposition to charter school expansion.

Each and every week a family member calls our office asking for help in feeding their child. They don't understand why free school meals are no longer provided. And to be honest, we don't either.

My son came home from his small, poor rural school just across the river and asked me a pointed question. He said: "Mom, are you still working on helping my friends eat in school? Some of them, they really need help." I looked at him with tears in his

eyes that day, and tears in my eyes, and I said "Yes, Jackson, we won't give up."

When our children went back to school on September 7th, 726,000 of them lost meals that day. No parent, no family, no educator, and I know none of you want to have hungry children. But that is what's happening. For some schools, it's the only place they receive a warm meal. And Congress has failed to act, so we in New York State must do what we always do -- we support our children and we support our families.

Hungry kids can't learn. They struggle to focus, they have lower attendance, they are at greater risk for mental and physical health problems, and a family of four making just $51,400 is over-income for a free school meal. We humbly ask that you include this proposal in your one-house.

We also call on your help for securing more support for school-based mental health services. The Executive Budget includes $10 million for expansion of school-based

mental health support and many community-based services. We support them all. But that $10 million number is a bit too low. In a recent survey of New York State PTA members, we were asked which youth-based mental health issues are most important facing our kids. You can imagine: Anxiety, depression, bullying, suicidal ideations and thoughts.

To address this crisis, New York State PTA is impaneling a new mental health task force to continue our work in this. But again, we look for your partnership in this work.

In conclusion, every family has a dream for their children. It's our job to be dreammakers, ensuring every child, as Bob Lowry has already said, no matter their zip code, no matter their ethnicity, their ability, their gender identity expression or race, has the highest-quality 21st-century education to lead them to college and success.

We ask that you humbly continue to

infuse our schools with the resources necessary, and together we can support kids and raise awareness. There is no other job that is more important.

Thank you so much.

CHAIRWOMAN WEINSTEIN: Thank you.

Next?

MR. FESSLER: Good afternoon. I'm Brian Fessler with the State School Boards Association, and I thank you for having us here today.

First and most importantly, I want to thank you sincerely for your commitment to fully funding Foundation Aid, and we're incredibly pleased to see the Executive maintain that commitment.

This historic funding is critical to meet the day-to-day responsibilities of our schools, but I think it also represents a significant policy success for the State of New York.

But we're here to offer our thoughts on how the Executive Budget might be improved. So as such we do want to note, as

Bob noted, that nearly 250 districts are held to the proposed minimum increase of just 3 percent in Foundation Aid. Those districts, as Bob noted, are mostly high- and average-need with limited local taxing authority, while also facing high inflation and a restrictive property tax cap.

Now, we think that minimum increase should be higher, perhaps with a tiered approach for high-need, low-wealth districts. We also believe strongly that a plan and a process needs to be put in place for the future of Foundation Aid. We care less at this point about what the end result will look like, although we certainly do have our ideas. But we are most interested in the groundwork being laid for a thoughtful and deliberative process, which we think should be organized by the State Education Department.

Now, we do have concerns with some proposals, including the proposal to extend the unnecessary and duplicative school-level budget reporting requirement. This was

originally sought by the previous executive, despite federal provisions already requiring school-based expenditure reporting. The state's requirement did not provide enough value to exceed the administrative burden then, and it does not now. So we ask that you reject the proposed five-year extension of that mandate.

We are hopeful universal school meals is seriously considered in negotiations over the next few weeks, and we're also hopeful that the BOCES aidable salary cap and special services aid CTE investment reforms are finally made, as they are well overdue.

We further ask that you at a minimum restore the $20 million in annual funding for prior-year aid claims. These are school district claims for school aid that have been approved by the state but are waiting for funds to be provided, sometimes for upwards of 10 or more years. The state eliminated funding during the pandemic in 2021, and it should be restored.

Lastly, as Bob noted, we encourage

action to allow for a modest bump to the allowable fund balance limit. Currently districts are allowed to carry a very small 4 percent of their operating budget, well below recommendations from fiscal professionals and the Executive's 15 percent rainy day fund goal for the state. A modest increase is appropriate and fiscally prudent, especially as we approach a potential funding cliff with the expiration of federal stimulus funding.

I thank you for your steadfast support, and we look forward to our continued work together on behalf of our 673 member school boards.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

MR. WHITE: Thanks, Brian.

Dan White, district superintendent, Monroe 1 BOCES. It's great to see all of you. Happy to represent the 37 BOCES in New York State, our 700 --

CHAIRWOMAN KRUEGER: We can't hear you.

MR. WHITE: I'm sorry, 700 member districts. Thank you.

I'll be very brief, in the interests of time. Most of what we have in our written testimony -- which you have -- has been presented to you already today. I would highlight a couple of things.

We do have some recommendations to address some critical workforce shortages, both in mental health and in the education environment, and I ask you to take a look at those.

As my colleague from NYSSBA mentioned, we are again talking about the aidability for career and technical education for BOCES and the Big 5. This body has supported that for the better part of a decade.

We understand there's grant money in the Executive Budget that's about $10 million, and that's wonderful. That does not raise all boats, however, for school districts and BOCES that provide career and technical education. We think it's a necessary form in time to come.

Finally, we are very supportive of continuing the full funding of free and reduced lunch for students. We've seen the impact, I think, in every corner of the state. And again, I know that's been presented to you quite often today, so I'm going to stop and turn it over to my colleague.

Thank you.

MR. LITTLE: You may have to reset the clock.

CHAIRWOMAN WEINSTEIN: Yeah.

MR. LITTLE: Hi, I'm Dave Little from Rural Schools. I'll just touch on a couple of issues, as opposed to the many that are listed in our written testimony.

The first -- in all of the praise for fully funding Foundation Aid, I would simply say that you can't simultaneously claim to have accomplished that if you allow the use of directed categorical funds to be part of that. It's not Foundation Aid if you tell us how to use it. And so we would ask that you figure out one way or the other when you're

doing that.

The other is the impact of full funding. Several of my colleagues have mentioned that the implication of fully funding the last segment of this is that many wealthy districts are finally getting the money that has been owed them the longest, because you wisely chose to give money to the districts that needed it the most and had the most in the beginning of the process. And so we see there's one Westchester district that is getting a 52 percent increase this year, while high-need rural districts, at least half of them are getting the minimum 3 percent increase.

So we see that by category, the wealthiest districts are getting the lion's share of this year's agreement. High-need rural districts are getting the least amount.

Which leads me to what happens next, what happens after next year. And unless you do the kind of work that my colleagues have suggested starting now, to figure out what the appropriate measures are for funding

Foundation Aid in the future, by default you're going to end up giving school districts an across-the-board allocation, which is the singularly most inequitable way that you could possibly fund Foundation Aid moving forward.

So I would ask you to do the hard work of figuring out what it takes to uphold your constitutional responsibility of providing a sound, basic education -- and once you've done that, to implement that, to upgrade it.

I mentioned that we're at a juncture in history with fully funding Foundation Aid, having federal funds expire, coming out of the pandemic. It's a very unique time. And so in my book, it's time to finally learn what all of our colleagues in sister states all around New York have known for two generations, and that's that you allow rural high school students to go to a regional high school and get the kind of broad-based curriculum, advanced curriculum, that's provided as simply matter-of-factly to urban and suburban students.

All of our rural kids graduate. Three-quarters of them never get an advanced degree beyond that. And that's abhorrent to the future of New York if it's going to be successful. So with that, I'll stop with 10 seconds to go.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Benedetto.

ASSEMBLYMAN BENEDETTO: Yes, okay. (Mic issues.) Okay. Okay.

(Laughter.)

ASSEMBLYMAN BENEDETTO: One day I will get the knack of that.

Listen, thank you very much. Your points were all well taken. Okay? And yeah, we're throwing out a lot of money out there, and Foundation Aid is going to be up and everybody's going to get a 3 percent, you know, increase no matter what. But you indicated maybe 3 percent is not enough, and maybe it should be -- should be more.

Any idea how much more you're talking about, 4 or 5 percent? And do you have a cost estimate, possibly, on what that might

be?

MR. LOWRY: I believe that the current 3 percent minimum that the Governor proposed costs $51 million. You could do some sort of scaled increase tied to district wealth, so poorer districts would get a larger increase.

But if 3 percent across the board is $50 million, you know, an additional 2 or 3 percent, particularly if it's scaled, it's going to cost -- you know, scale based on district ability to raise local revenues -- it's going to cost less than $50 million additional. That's like 0.2 percent of total Foundation Aid at this point. So it's not a large price tag to deal with this.

ASSEMBLYMAN BENEDETTO: And the meals, okay, we all want our kids properly fed and so on. And we're a little annoyed the feds have withdrawn their money and kind of left us with the -- you know, if we're going to do it, how much do you think it's going to cost us?

MS. BELOKOPITSKY: Sure. So initial estimates for school-based breakfast and

lunch range a little bit above $200 million. So it's not -- it's -- but, you know, at the end of the day is it a price tag worth paying if our children are not hungry and they are well fed? And I know you agree with that as a lifelong educator.

ASSEMBLYMAN BENEDETTO: Point well taken. Thank you very much.

MS. BELOKOPITSKY: You're welcome.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Senator Shelley Mayer.

SENATOR MAYER: Thank you. Good to see you all.

I just want to check. On the proposal that SED has -- it was not included in the Governor's proposed budget -- of $1 million to begin the process of exploring a new Foundation Aid formula, can you each tell me whether you support that proposal?

MR. LOWRY: I'm not sure exactly what the department would use the money for. But I do believe that the department should have greater capacity to do work, research,

contribute research, sponsor it, on education finance.

Fifteen, 20 years ago I think they made pivotal contributions in developing what became the Foundation Aid formula. It was essentially a Regents proposal, with one wrinkle added by Governor Spitzer and others added by the Legislature. So I agree with Brian, we think that the Education Department should be leading this work, and I do believe that they do need some additional resources to do that.

SENATOR MAYER: Anyone want to add?

MR. LITTLE: The only thing I would add is you've got the world's utmost expert sitting behind us up here, so when he gets up here, ask him that question.

MS. BELOKOPITSKY: And, Senator Mayer, all of the Educational Conference Board groups do support SED in leading this work.

SENATOR MAYER: Okay. That's question one.

Question two, with respect to meals. Are there districts that are eligible for

community eligibility currently that are not participating? And if so, what can we do to get them to participate and get federal funding for this lunch program outside of the money we were unable to get from Congress?

MS. BELOKOPITSKY: The answer to that question is yes. And I'm going to defer the technicalities to my colleagues who are coming up on our school nutrition panel just in a few.

Some of the difficulties that districts have is coming up with their side of the purchase of the district-based cost for community eligibility. But I know Hunger Solutions and some of our colleagues that are working on this very closely will be able to answer your question more thoroughly.

MR. LITTLE: The only other thing I'd add, Senator, is that part of the problem is social and outside the capacity of the school to try and get people to sign up. Part of the inequity is the hesitation of families to sign up, a fear of signing up for that program. And it's traditionally

underreported and under --

SENATOR MAYER: Well, that -- just respectfully, that's free and reduced lunch. I'm not talking about that. I'm talking about community eligibility where the entire school is eligible --

MR. LITTLE: For the whole school.

SENATOR MAYER: -- which is -- so I will be glad to ask the next panel.

MS. BELOKOPITSKY: And if you ask Jessica that, she's coming up, she will absolutely have those figures for you.

SENATOR MAYER: Yes. I'll be glad to.

MS. BELOKOPITSKY: I'm going to put her on the spot right now.

SENATOR MAYER: And I wonder if statewide -- only because we've heard this anecdotally. Do you know from the superintendents or the boards whether there's been an overall reduction in the number of students in New York's public schools that are either members of NYSCSS or the school boards? During the COVID time -- we reduced the number of students in our districts,

pupils in your districts as a result of COVID. There has been loss in some districts. I'm just wondering if you have noticed that at a statewide level.

MS. BELOKOPITSKY: I don't think so.

MR. FESSLER: You're talking about general enrollment?

SENATOR MAYER: Yes, general enrollment.

MR. FESSLER: Yeah, I think, you know, in certain pockets -- I know New York City, for example, has cited some figures.

In certain pockets I think there's been more meaningful movement in terms of enrollment than pre-pandemic. But I think in the aggregate, just based on, you know, recent updated data, I haven't personally noticed any significant movement away from pre-pandemic enrollment trends.

MS. BELOKOPITSKY: And we haven't either. It's been hovering around 2.6 million children.

CHAIRWOMAN WEINSTEIN: Thank you.

We move on to Assemblyman Smith.

ASSEMBLYMAN SMITH: Thank you.

And thank you so much for the advocacy on the school meals program, because I think we all share that concern that students need to eat so that they can be energized and focused to learn. And it's a productive thing, and we know so many of our families, you know, need that assistance.

Now, something that you just said about the stigma that's associated with it, I think that's a concern. But also the amount of families that are too proud to sign up -- and I know that's definitely impacted the ability for local school districts to get that funding. So, you know, I'm hopeful that we could work with our federal partners.

But what additional -- what else do you think we could do to assist if -- you know, again, we're going to -- I think many of us are going to try to advocate for that. It's a lot of money to, you know, try to get. But what -- what additional can we do to help feed our kids?

MR. WHITE: Yeah, I think that the

fact of the matter is is that when school districts already subsidize their school lunch programs significantly, it puts additional burdens on parts of the district. So schools and localities find solutions; some of them are not always the best solutions to that.

And to be frank with you, this is an emerging and -- it's an existing issue, but it's going to continue to grow significantly. So schools are really subsidizing it themselves in many, many ways. I'm not sure that's the best solution, if you will. Because some can and some can't, frankly.

ASSEMBLYMAN SMITH: Oh, right.

MR. WHITE: Yes.

ASSEMBLYMAN SMITH: Are you hearing anything about the Farm-to-School program? Because it's something I mentioned earlier in the day, and on Long Island we're having a difficulty because the reimbursement -- again, encouraging schools to get to the level of 30 percent of New York-produced food, which is awesome -- it's tasty, the

kids want it, and also it's good for our economy here in New York. But there's been some difficulty to do that.

Have you heard any thoughts about that from the member districts? I know it's a popular program upstate, but we're still trying to work on it downstate.

MR. LITTLE: Yeah, the Farm-to-School program has been tremendously successful where the districts have met the threshold and have the predictability of trying to maintain it from year to year.

There's a rather large startup cost in processing and refrigeration and all that stuff, but once you've got it set up -- we have some districts that are in their third and fourth round of that, and they do tremendous things with their community -- farmers' markets to feed kids during the summer, where they combine resources, almost in a community-schools approach to provide for that. So where they're able to do it, they do it very well.

But the 30 percent threshold is a

tough burden both administratively and financially to try and get to.

ASSEMBLYMAN SMITH: That's what I'm hearing as well.

And last, I'll just conclude, because I think a lot of these issues are solved by universal school meals. Because obviously when district nutrition experts are trying to put together these meals, it's much easier if they don't have to worry about the reimbursement portion and there's federal guidelines on that.

Thanks for your advocacy.

CHAIRWOMAN KRUEGER: Thank you.

Senator Murray?

SENATOR MURRAY: Thank you very much.

Since we only have three minutes, I'll jump right to it.

And I wanted to talk to Superintendent White. Do you have an idea of the average number of hours your BOCES instructors are working? Those that aren't full-time, I mean, some of the instructors.

MR. WHITE: So in terms of what's

their -- what's their normal day, Senator, those are the things?

SENATOR MURRAY: Yeah.

MR. WHITE: So, 7.5 hours a day, usually.

SENATOR MURRAY: Okay. I'm just trying to calculate out when we're talking about the instructors and the pay cap and that, and how close it comes to -- we're virtually at minimum wage in some cases.

MR. WHITE: Yeah.

SENATOR MURRAY: So we've been increasing minimum wage over the years, but we're keeping this cap. It's been there for close to 30 years.

MR. WHITE: Thirty years. So the aidability, based upon $30,000, the average BOCES CTE instructor makes about $67,000 a year right now. So if you're talking the average aidability, yes, the state share has been declining for -- since 1993.

SENATOR MURRAY: It's ridiculous. And Assemblyman Benedetto apologized before to another group; I'm apologizing because I

think it's embarrassing that we can't do better than that. Because I feel as though -- and I've heard this from BOCES -- not just getting new instructors, but retaining some of the instructors. But also the expansion of some of the services that are offered and the training that could be offered to some of these kids.

How do you get there when your hands are tied like this? Are you seeing -- or how bad is the problem right now, and how much do you need to improve that?

MR. WHITE: So I can tell you that our industry partners are continuously coming to us, as they are anybody that runs career and technical educational programs, saying they need a workforce, particularly in some of the high-skilled trades.

We have waitlists in a number of our trades programs; that's simply because we can't expand. So the need is very, very real, as it is in many industries, but particularly those heavy, high-tech trades where we are seeing a number of retirees

leave the industry, and they're not there to replace them.

SENATOR MURRAY: That was my next question. Are you seeing an increase in the number of -- or should I say the amount of time the instructors are staying?

MR. WHITE: So in terms of the --

SENATOR MURRAY: It's actually a decrease in the amount of time they're staying.

MR. WHITE: Yeah. Yes, I think so. Yeah, I would say so.

I think that the major piece of this is the ability to replace a workforce from an industry or trade perspective. They're seeing people leave those industries, and they're looking to us to replace those, and we're trying to start that pipeline of students who can do that.

SENATOR MURRAY: All right. Okay, well, thanks. Keep up the great work, and hopefully we can give you some more help. Thank you.

MR. WHITE: Thank you. Appreciate

that, thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Woerner.

ASSEMBLYWOMAN WOERNER: Thank you very much. I will -- I'll pick up where -- is this on? I'll pick up where Senator Murray left off.

You mentioned that you have, in some areas waitlists, for BOCES.

MR. WHITE: We do.

ASSEMBLYWOMAN WOERNER: Do you have any sense of what your waitlist is or what your unmet demand is for BOCES slots?

MR. WHITE: So on average -- it depends upon the program, certainly. Okay, so it's not in every program, but there are some trades programs where they're waitlisted. We're probably running 10 to 15 percent on waitlists in some of those programs, which can be significant.

And I'm just reflecting on my BOCES. When I'm thinking about my colleagues in the

37 BOCES around the state, it's probably very similar.

ASSEMBLYWOMAN WOERNER: So can you just give me an idea in absolute numbers what 10 to 15 percent represents?

MR. WHITE: So if I'm looking at, let's say students, you're probably looking at 1500 to 2,000 students that potentially could be waitlisted, yup.

ASSEMBLYWOMAN WOERNER: That's a pretty significant number.

MR. WHITE: It's significant. And that doesn't include the Big 5 who also -- we advocate as well for that aidability to be adjusted as well, their special services aid.

ASSEMBLYWOMAN WOERNER: Great, thank you.

Dave, on rural schools, in your written testimony you talked about the challenges with the push for electric buses. And I'm wondering if you have any information from any of the rural school districts that you work with about the cost to them of having to replace their -- I assume many of

them, like the districts I represent, often triple-trip their single bus so that they're running a route for elementary, for middle school, and for senior school. But with the electric buses, my understanding is they won't be able to triple-trip with them because they have to be charged.

Have you gotten any sense of what the increased cost is for a rural district to meet the needs of the electrification of buses?

MR. LITTLE: Yeah. The backstory joke on the whole thing is you'll have 10 kids on 63 passenger buses, because the rest will be batteries, in order to get it around the route that needs to be run everyday in a rural area.

We have tremendously large rural districts in some areas, and it's a lot of ground to cover, and a lot of it's up and downhill, which is -- it's tough.

The industry, to their credit, says that they can do that. We need, by the time we get to the deadline, to have a market

rather than a single provider that can do this in order to make buses affordable. And we need a significant contribution from the state for the infrastructure necessary.

People aren't talking a lot. They talk some about, well, we'll need to put in the charging stations to be able to do this. Well, if you don't need a fueling depot anymore for your buses, by law you've got to remove it, right? Nobody's talking about what it costs to get rid of the old as we approach the new.

So that said, it's a tremendous goal. If you've ever seen a school bus with a line of first-graders waiting to get on it with the tailpipe at their nose level -- it's a good goal, right, but we're going to need help to get there.

ASSEMBLYWOMAN WOERNER: Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Senator John Liu.

SENATOR LIU: Thank you, Madam Chair.

Mr. Little, you're happy about the

final fulfillment of Foundation Aid but you're not so happy that the -- that we're kind of catching up what you call the wealthy districts?

MR LITTLE: In the very beginning -- and we have to go back, this is how long this formula has been around, but --

SENATOR LIU: Well, the formula was never fully funded, right? So the state kind of prioritized the high-needs districts first, tried to get them closer to 100 percent sooner than the other districts.

MR. LITTLE: Yeah. It's just the practical implication of being at the tail end --

SENATOR LIU: Of this one year.

MR. LITTLE: -- that you -- right. Right. Which is --

SENATOR LIU: I mean, the wealthy school districts --

MR. LITTLE: -- why I tried to quickly segue into what happens --

(Overtalk.)

SENATOR LIU: I don't want to -- I'm

not defending wealthy school districts, but they will say that their -- the Foundation Aid formula already reflects the fact that they have to contribute a lot more from their own local tax base than they're actually getting from the state.

So I would love to get a panel of Mr. Little and some of the superintendents or the leaders of the other districts.

But I think what you're getting at is it seems like all of you would like to see at least an update, if not a reformulation, of the Foundation Aid formula. Is that fair to say?

MR. LITTLE: As Bob is wont to say, it it's an underappreciated legislative accomplishment, the Foundation Aid formula that exists. It's also more -- you know, close to a generation old at this point.

SENATOR LIU: It's like 20 years old.

MR. LITTLE: And we've had tremendous --

SENATOR LIU: So you all would like to see a revamp of the Foundation Aid formula.

MR. LITTLE: It's got to be updated according to current need.

SENATOR LIU: Okay. Do all of you expect to have a proportional increase in Foundation Aid if that Foundation Aid formula is rejiggered?

MR. LITTLE: If you're saying are we expecting you to rob Peter to pay Paul, like Vermont tried to do --

SENATOR LIU: Well, you know --

MR. LITTLE: -- we would expect to do better than that.

SENATOR LIU: Reformulating the Foundation Aid formula doesn't necessarily result in an increase in total Foundation Aid, right?

MR. LITTLE: No. You not only have to be poor, but you have to be comparatively poorer than your neighbor in order to be successful under the formula.

SENATOR LIU: Right.

MR. LITTLE: So not everybody wins.

But our approach -- at least I will give you credit this year -- is starting from

the premise that everyone gets at least what should be, under normal circumstances, an inflationary increase, and then you go from need from there.

My guess is that that would be the approach to take going forward, but you have to actually cost out what you value in a child's education moving forward. Per-student count may not count as much as student mental health needs moving forward. Food may count for more than your combined wealth ratio in the future.

SENATOR LIU: Sure. So it sounds like you're suggesting --

MR. LITTLE: A different structure --

SENATOR LIU: I don't disagree with you. Don't get me wrong, I don't disagree with you. But it sounds like you're -- you know, and I'm thinking none of your colleagues here necessarily disagree with you -- you're saying, figure out what the need is, based on these updated factors, and then that should determine the amount of Foundation Aid that the state has to cough up

at this point.

CHAIRWOMAN KRUEGER: That will have to wait for another conversation, Senator Liu.

SENATOR LIU: Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: You can follow up with him afterwards. I think he's available all day.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you.

For all of you -- and if they don't have -- we don't need full answers today. But curious as to, for the districts you represent, how they are dealing in their budgets with cybersecurity prevention or cybersecurity ransomware response as a budgetary matter.

MR. LOWRY: I don't recall the figure, but, you know, in our survey we asked a question: What issues cause you concern in thinking about your district's financial future? Pick all that apply, then pick the one that causes the greatest concern.

Special education costs were, you

know, the number-one cost concern. For some districts -- I don't recall the percentage, I'll look it up, but I was surprised by the percentage of superintendents who said that cybersecurity costs is a concern. And, you know, we include it on the list because anecdotally we had a sense that it was an emerging concern. I'll share the results with you.

ASSEMBLYMAN OTIS: Thank you, Bob.

MR. WHITE: Member Otis, I will tell you that there are 12 regional information centers around New York State based in Boards of Cooperative Educational Services. It is the single greatest increase in services we have provided to districts, as you would imagine, around the state.

And costs come with that, frankly. And the expertise needed to combat some of the threats that are coming to school districts, municipalities, hospitals, et cetera, is significant. It is an emerging budgetary need. It is a present-day service need, to give you a sense.

Thank you.

ASSEMBLYMAN OTIS: Thank you.

MR. FESSLER: I think for school board members we have a kind of formal position-setting process, like a lot of organizations, and we had our annual meeting in the fall. And for the first time in the decade that I've been with the School Boards Association, our membership formally directed us to engage in advocacy, seeking the state's support logistically, financially, to address issues of cybersecurity.

So from that standpoint, I think, you know, it is high up on their priority list. And a new and emerging issue, as Dan reflected, you know, based on the increase in demand of services that districts are seeking.

ASSEMBLYMAN OTIS: Thank you. I'd just say in the budget hearing the other day with Homeland Security and with Technology Services, we expressed the need to get more resources to local governments and school districts in this space, and we look forward

to continuing that dialogue with all of you.

Thank you.

MR. WHITE: Thank you.

MR. FESSLER: Thank you.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you.

Next up is Senator Robert Jackson.

SENATOR JACKSON: Hi, everyone. Thanks for staying the course to come and give testimony. I appreciate listening to all your testimony.

And I see many people start out by saying thanks for the Foundation Aid, but Michael Rebell, who is waiting to testify, was the attorney that brought the lawsuit, the Campaign for Fiscal Equity lawsuit in -- for New York City. Because at that time, my daughter's classrooms were 35, 40, they didn't have seats in some of the schools, and many of the teachers were not certified. And so the need was great.

So you just need to understand that this lawsuit was brought in order to provide -- the highest court said that every

child should graduate from high school knowing how to read, knowing how to write, knowing how to serve on a jury, and being able to hold competitive employment.

That's what this is about. So it's really for the neediest of the needy right now. And so I say that because I was listening to some of the conversations, and for myself, I am one of the sponsors of IONY, Invest in Our New York, asking the wealthiest New Yorkers to invest in New York so that others can have food, can have shelter over their head, good healthcare -- all of the things, minimally, that I'm sure all of you want.

I needed to say that because it's important that we need to refocus, as a family helping one another. And just because, you know, one family member may have a lot more money than everyone else, and they feel they should get some of the money to educate their children when they can educate them with what they have, that's not really being brotherly and sisterly. So I just say

that loud and clear.

But I've read some of your testimony -- especially Jim, who is the ranker on the Education Committee, talking about the New York State Parent Teachers Association and the percentages as far as the survey that you did, and he's going to talk about that later.

But let's stay together, let's help one another so that all of us -- all of our children can get a real good education. That's my message to all of you.

Thank you.

PANELIST MEMBERS: Thank you.

CHAIRWOMAN KRUEGER: Assembly?

CHAIRWOMAN WEINSTEIN: Assemblyman Slater.

ASSEMBLYMAN SLATER: Hello, again. Thank you for your patience and staying with us here so late.

I just wanted to go back to the EV bus conversation. One of the things I've heard from my superintendents in my district -- obviously the state's going to have -- is

going to be handing down some climate goals, but there's been no conversation, at least to my knowledge, about funding how they're going to achieve those goals.

And so I didn't know if that was something that maybe you've discussed and you've made some proposals for, but I know that's what I keep hearing from my superintendents, about how are they going to pay to implement some of the measures that they expect to have to deal with in the coming years.

MR. LITTLE: Yeah, others may want to weigh in on this as well. I think we're in the infancy of the practical side of all of this. I think this really was aspirational until the Environmental Bond Act actually passed and set aside a half a billion dollars toward this. I don't think state leaders knew where the money was coming from, it was unbudgeted for up until that point.

So I think the kind of real logistical work can begin now because there is that funding source, and we're going to have to

try and figure out how much does it cost to put those charging stations -- enough for a bus to run all day long every day during the school year, how much does it cost to remove a fuel depot that EnCon's going to want out of there if it's unused. You can't just store fuel in the ground ad infinitum.

And so there's -- you're going to have to have routes reworked according to the capabilities of the vehicle that you have. All those types of things have to be worked out. And we don't necessarily need to delay it if you have the money to implement it. But if you don't have the money to implement it, we would certainly hope that the funding and the implementation keeps to the same timeline.

ASSEMBLYMAN SLATER: And we still don't know if we allocated enough dollars for that.

MR. LITTLE: Oh, we have no idea. Less idea than you do. And I don't think you know how much this is going to cost at this point, honestly. Because there's only one

bus company that I've talked to that even claims to be able -- to be capable of providing the buses to do this.

ASSEMBLYMAN SLATER: Very good.

I don't know if anyone else wanted to make comments on that?

MR. LOWRY: You know, as Dave mentioned, the Environmental Bond Act does provide at least $500 million to go towards the transition to zero-emission school buses. That's obviously a large sum, but I can see it being spent very quickly. You know, there's not just the additional cost of the buses, but I've just been struck by the infrastructure costs. Driving by the lot of my children's school, the bus lot, just how would you install enough charging stations for all those buses?

So I think there are pieces that were added in the enacted budget on top of what the Governor proposed, calling for a roadmap -- presumably pun intended there -- and some other pieces. I think those are useful steps. And next month we will have

representatives of NYSERDA doing a presentation and discussion with superintendents about how this is expected to proceed and what problems we see.

ASSEMBLYMAN SLATER: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate?

CHAIRWOMAN KRUEGER: Senator Jim Tedisco.

SENATOR TEDISCO: Kyle, I don't know if you were here early on when I asked some of the questions about bullying. And I told some of the groups that were here, there's a group of parents and individuals who have asked me to do something extended and expanded as a public servant as it relates to bullying in schools in New York State. Because they believe it is expanding.

And I said earlier on, but we all know this, bullying has expanded in an unbelievable way that never existed before. And it doesn't stop at the school door, it doesn't stop at the gates, doesn't stop in the streets, doesn't stop in your home.

Because of the internet, social media, it could be 24/7. And what the real concern is -- not only the program, which I know you're concerned about in terms of mental health with the PTA -- is the fact that we have laws in place right now to deal with in the schools whereby the administration, when it reaches a certain level, has to contact the State Education Department and say a bullying incident has taken place.

I can't find any statistics on how many times that's happened in individual schools or across our schools. But I also know this. There's no requirement or mandate to contact the people who should believe in and I think love their children the most, and that is the parents -- who are part of the PTA, who are asked to come to parent-teacher meetings, who are asked to help develop -- get involved more. Get involved more, but we shouldn't tell you when your child's head's has been rammed into a locker every day or is belittled or humiliated every day.

And of course you probably know I have

a bill called Jacobe's Law, for Jacobe Taras, 13 years old, bullying to the extent, in the school, where he took his own life. And his parents came to me and said, Nobody ever contacted us, we weren't able to get into that school and be a part of the program.

Now, it doesn't make any sense to me that we want them to be a part of everything else -- the curriculum, individual education plans -- but we don't want them to know, in many instances -- I'm not saying all schools don't notify the parents and bring them in. Some do. But in this case and in other cases, in many cases -- there was a case when I passed this bill, passed it twice when we were in the majority, to notify the parents -- where in New York City a gay student was being belittled and humiliated by other individuals in the school every time he came to school. The parents weren't notified. Know what happened? He came to school with a gun and killed those who were humiliating him. Now, it wasn't the one that was being bullied; he had enough.

So this -- when this happens, when we don't notify parents in any way, it's very, very dangerous, I believe.

And the good Senator, Senator Jackson, gave me his technology here, and I'm looking -- and, you know, sometimes we don't know the extent of this, and I was wondering about that. You did this fall survey, New York State PTA survey. You know, For those who are listening, in the survey --

CHAIRWOMAN KRUEGER: Sorry. We're at zero.

SENATOR TEDISCO: -- from highest to lower was 81 percent anxiety, but bullying was 62.16 percent --

CHAIRWOMAN KRUEGER: Thank you, Jim.

SENATOR TEDISCO: So my question is --

CHAIRWOMAN KRUEGER: No, you don't get any more questions right now. Sorry. You can ask them in the next round.

CHAIRWOMAN WEINSTEIN: You need to start with the question, not the statement.

SENATOR TEDISCO: I got carried away, I'm sorry.

CHAIRWOMAN WEINSTEIN: So we go to Assemblyman Manktelow.

ASSEMBLYMAN MANKTELOW: Thank you, Chairwoman.

David, just to go back to the EV buses in the rural areas. Has anybody looked at the cost of selling the buses that you have now? Where are they going to be sold to? What's going to be the loss to the taxpayers from buying those buses? So if we buy a brand-new diesel bus today and we get rid of it in a few years, what's going to be the lost amount for those buses, and where are we going to sell all of these buses in New York State? That's my first question.

The second question is, are you aware of any trials that are going on in the rural areas where they're actually using some of these buses so that we have a better idea of what we are up against before we just fully implement this?

MR. LITTLE: The answer to the first question is God only knows. We don't have any idea where you'd have a market for that

many school buses -- except to other states that don't have this requirement.

The answer to the second question -- tell me one more time, what was it?

ASSEMBLYMAN MANKTELOW: Sorry, David, we --

MR. LITTLE: Oh, do we have routing information about how --

ASSEMBLYMAN MANKTELOW: Well, I would think it would behoove us to do some trials out there, especially in the rural areas. Because you're looking at the footprint of the district, the square miles, you're looking at the hills. You're also looking at the weather, you're looking at wind chills. If you're driving on a snow-covered road, you're not going to go as fast or as far as you would on a fair road.

And I think before we implement this across the state -- especially up north, especially out west, in the more rural areas -- I would think we would want to try a trial for a year or two in the school system to find out what's going to work and what's

not going to work.

MR. LITTLE: Yeah, I would certainly agree. But I'm not aware that any trials have been done, at least in New York so far --

ASSEMBLYMAN MANKTELOW: So is that --

MR. LITTLE -- to determine that.

ASSEMBLYMAN MANKTELOW: David, is that something we should do here to help you with that from the legislative side, is maybe get something implemented to do that?

MR. LITTLE: NYSERDA is supposed to be helping school districts. And I would think that would certainly be a help, if they could provide that kind of a study.

We actually had asked the one bus company that claims to be able to do this to our summer conference, to give us that kind of information, and they declined.

MS. BELOKOPITSKY: Assemblyman, I'll add that parents and families are very much worried about that.

We're very supportive of the move, of course, because we want our children to be

healthy, and that is the move. But as an example, my child in our eastern Rensselaer County small rural school district, he gets picked up at 7:00 in the morning and he gets dropped off at 8:10 at our school. So he is on the bus for an hour and 10 minutes in the morning and an hour and 10 minutes in the afternoon.

It hit negative-20 last week in our school district, and we always have a significant amount of snow because we are a bit in the mountains, just about 10, 15 minutes from Massachusetts.

So I think parents and families are concerned. We want this to work. Everybody wants this to work. But we have to make sure it's going to work, and we have to give school districts and school leaders, like my fine colleagues here, the support to make this work for our kids.

ASSEMBLYMAN MANKTELOW: I only have a few seconds, but the other question, just to take back, is some schools have their buses in buildings that are enclosed. You're going

to have to add fire suppression in those buildings for those batteries in those buses. Just food for thought.

Thank you all.

MS. BELAKOPITSKY: We're extremely concerned about the fire with lithium-ion batteries and electric school buses.

ASSEMBLYMAN MANKTELOW: Thank you all.

CHAIRWOMAN WEINSTEIN: Before we go to the Senate, I just wanted to -- I failed to acknowledge our Majority Leader, Crystal Peoples-Stokes, joined us a while ago.

Now to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

A little bit more of a quick statement, because many of you have already asked about electric school buses. And we have till 2035 before all of it has to be implemented, and the technology keeps changing.

So just for the record, there are 551 electric buses already on the roads, including in Alaska and Minnesota; they're working in winter. The average U.S. school

bus route is 63 miles per day, while the current buses have a range of about 150 miles. And we know the technology's going to get better. And we know there's going to be more than one company.

So I want to just say the state's not going to make everybody do something that can't be done. We just want to get ourselves started rolling, and we want the industry to hear we're really interested in going this route because we need to go EV on all vehicles as quickly as possible.

It's not that we want to leave anybody hanging out there to dry with a system that can't work because the buses don't exist.

So that's my little speech, sorry. And you can answer if you wish.

MR. LITTLE: Senator, we certainly appreciate the lead time and anticipate working together as we go forward on all of this.

The fact that you've required it quite frankly creates the market for them, and so we would expect that they'll develop too.

CHAIRWOMAN KRUEGER: Thank you.

MS. BELOKOPITSKY: And it's healthier for our children, so that's always positive.

CHAIRWOMAN WEINSTEIN: Thank you.

So we go to Assemblyman Ra.

ASSEMBLYMAN RA: Thank you.

Thank you all for your patience today and for being here.

Mr. Lowry, can you talk a little bit about -- I actually, when I went outside, I got a phone call from one of my school superintendents. And in particular, we were discussing the set-aside for the high-impact tutoring. And I think we all recognize the importance of something like that.

But, you know, it's tying the hands a little bit of the districts in terms of how they can spend that money. And I know in your written testimony, you know, you talked about some rural and poorer communities having a difficult time finding teachers that are going to be able to do that.

So can you just elaborate on your concerns and opposition to that proposal?

MR. LOWRY: Yes. Well, again, first of all, districts have been prioritizing that, partly by choice, recognizing, you know, how the disruptions in learning brought on by the pandemic affected children.

But also it's been a requirement. The American Rescue Plan COVID relief funding for schools, districts were required to use at least 20 percent to address learning loss. And the state had additional funding to allocate for so-called learning-loss grants. So districts received large sums for that and have been prioritizing it.

I mentioned our survey this year, 79 percent of superintendents said they believe their district budget would improve extra academic help, a similar figure to the year before. So that has been a priority.

We also heard anecdotally that districts in some cases were having a hard time spending that money because they couldn't find people to -- just additional teachers to be, you know, reading teachers, literacy teachers. Or, you know, expanding

summer school, extending the school day, that sort of thing.

And then I've also heard from superintendents who said, We feel we've done everything we can do; we have other priorities. And in some cases it's being able to raise pay to find enough bus drivers.

And I'm aware of at least one newspaper who said under the circumstances school districts should be reducing property taxes. That would create issues going forward because of the tax cap. But I note districts would like to try and be able to hold down tax levy increases, to the extent that they are required to spend this money or lose it, because the bill says that it must be used to supplement, not supplant. That creates a potential where a district could say, We have strong and clear priorities, but we're not going to be able to address those because of this set-aside requirement.

ASSEMBLYMAN RA: Thank you.

CHAIRWOMAN WEINSTEIN: So thank you all for being here and for the work you do in

New York State on behalf of our students. There are no further questions.

So we're going to call the next panel, Panel E: New York Library Association, New York Association for Pupil Transportation, New York School Bus Contractors Association, New York State Association for Computers and Technology in Education, and New York State Community Schools Network.

And I would suggest to the next panel, you might want to start to come down, Teach NYS, New York City Catholic School Superintendents, and Agudath Israel.

So I just -- I wanted to remind witnesses, since some people came in since we made the last announcement, your testimony was distributed yesterday to all of the members. Please don't read your testimony -- three minutes goes quickly.

And once it's time for questions, the three minutes is for the question and the answer, so keep an eye on the clock.

You can go in -- and you might as well

start at the end of the table and work your way over.

MR. PRIME: Hello, and thank you for having me today. My name is Max Prime, and I have the privilege of serving the New York Library Association as their director of government relations and advocacy.

Thank you for providing me for with the opportunity to -- sorry -- thank you for the opportunity to testify today on behalf of our state's libraries and library systems as well as the more than 10 million New Yorkers who hold library cards.

The fiscal year 2024 Executive Budget outlines identical levels of funding for State Library Aid and the State Library Construction program as were proposed for fiscal year 2023, and this year's proposal includes $96.1 million for State Library Aid and 14 million for the State Library Construction Program.

CHAIRWOMAN KRUEGER: Sir, could you slow down? I know we're putting pressure on you to do it all in three minutes.

Give him another 30 seconds.

And then just a little slower, and as close to the mic as possible. Thank you.

MR. PRIME: Unfortunately, while last year $96.1 million represented a $2 million increase in spending for State Library Aid over then-current funding levels, it would now constitute a $3.5 million reduction. And similarly, $14 million for State Library Construction would slash that program by $20 million and is over $1.4 billion short of present community need.

Despite historic investments in pre-K and K-12 education, Governor Hochul's budget fails to recognize the essential role that libraries and library systems play in foundational and lifelong learning. And simply stated, the levels of funding articulated are insufficient for the effective operation of what are our critical community institutions that promote equity in education and bridge gaps in access to critical resources during still uncertain times.

As such, the New York Library Association is requesting $147.1 million in State Library Aid this year, $69.4 million to the State Library Construction Program, and is asking the Legislature to strongly consider increasing Instructional Materials Aid, specifically library materials aid, to $11 per pupil.

On State Library Aid, the program is the primary source of funding for New York's library systems and provides shared services and resources to each library in New York, and these systems services ensure that every community and every New Yorker, regardless of relative wealth, has access to quality library materials and services.

As for library construction, every year the Legislature has the responsibility to identify and resecure Library Construction Aid that has been reduced in that year's proposed Executive Budget and to reiterate a statistic that you've heard probably one too many times: The State Division of Library Development estimates there's a statewide

need of $1.5 billion, and it's far past time to invest in this program.

And finally, for Instructional Materials Aid, it includes library materials, textbooks, software and hardware, and aid for each is critical to ensure that students have access to educational materials and technology.

Since 1994, the per-pupil rate for library materials has only increased $4.25. It's currently $6.25, and it's stayed that way since 2007. Libraries cannot continue to serve their communities and students with the proposed budget, and we implore the Legislature to invest in our state's libraries so that your constituents, our patrons and our communities, can thrive.

Thank you so much.

CHAIRWOMAN KRUEGER: Thank you.

Next -- and please introduce yourself.

DR. DELCORVO: Senate Finance Committee Chair Krueger, Assembly Ways and Means Chair Weinstein, Senate Education Chair

Mayer, Assembly Education Chair Benedetto, Assembly Libraries and Education Technology Chair Woerner, and distinguished members of the Legislature, thank you for inviting me today.

I believe that every educator should have the opportunity to do what I'm doing today. My name is Dr. Amy DelCorvo. I am the CEO and executive director for the New York State Association for Computers and Technologies in Education, known throughout the state as NYSCATE.

NYSCATE is a nonprofit professional organization representing more than 30,000 technology-using educators and administrators in New York State. We serve as the New York affiliate for various national organizations and as a trusted partner of NYSED, BOCES and local districts. NYSCATE advises various state committees and boards to define statewide policy regarding the use of technologies in education.

All regions of the state are represented in our community of teachers,

administrators, parents, and pre-service educators, which as we heard today is more important than ever.

Our overarching mission is to lead the transformation of teaching and learning through the appropriate use of technology. Not all technology, but the appropriate use.

Several years ago, utilizing one-time federal CARES Act I funding, NYSCATE partnered with NYSED to offer online professional development courses. These courses were developed and facilitated by New York educators aligned to New York State standards built to supplement local education agencies. Forty online courses were developed by expert in-service teachers located throughout our great state. Courses were made available to all public, private, charter, and pre-service educators at absolutely no cost. They are also available for continuing teacher and leader education credit, which we all know as CTLE credit, available in multiple languages, adhering to New York State professional development

guidelines and standards in the guiding principles of CTLE.

The success of the project was evident, engaging over 40,000 educators, the vast majority during the last month of project funding. Our funding ended in October of 2022. NYSCATE awarded over 106,000 CTLE credit hours to New York State teachers at no charge.

Since the conclusion of the program, there have been thousands of educator requests to continue to access the courses and to build upon the success of the initiative, such as the computer science and digital fluency standard. Not just bullying, Senator, but cyberbullying is a major aspect of that as well, all very hidden in many aspects. Multilanguage learners, social-emotional learning -- there are many strategies that need to be covered still.

I have included several testimonials in my written testimony which validates the impact that this program has had.

CHAIRWOMAN KRUEGER: Sorry, you'll

just have to trust us to read the rest of the testimony.

DR. DELCORVO: Please read the rest for the ask of the $2 million line for free for every profession, every teacher in the state, pre-service, higher ed, K-12, and every administrator, a $2 million line.

CHAIRWOMAN KRUEGER: Thank you.

DR. DELCORVO: Thank you.

CHAIRWOMAN KRUEGER: Next?

MR. VALLONE: Good evening.

My name is Nicholas Vallone, executive vice president of Rolling V Bus Corp. in the Catskill region of New York, and also the acting president of the New York School Bus Contractors Association, here today representing 200 private-pupil transportation operators that provide 85 percent of New York's districts with safe, reliable, and cost-effective student transportation.

Thanks to our 50,000 drivers, aides, and mechanics, we provide the safest ride possible to and from school each day for New York students.

I'd like to thank all the members of the joint committee on Education for allowing us to provide our 2023-'24 budget recommendations today.

New York is well on its way to transforming school transportation by committing to 100 percent electric school buses by 2035, with a moratorium on internal-combustion purchases in the year 2027. As many of you know, New York's school bus contractors are at the forefront of that movement, currently running electric school buses and working with NYSERDA on the state's roadmap to electrification.

Despite the advantages of electric school buses, two significant barriers to private adoption currently exist. Today the grid cannot handle the increased demand. We are confident that our partners in the utilities of New York State will be able to rise to the challenge, not only to accommodate electric school buses but EVs in general.

Second, the fact remains that the cost

of electric school buses are roughly three times that of a traditional school bus. Even with current available funds in the amount of almost $1 billion, simple math proves that these funds can only replace roughly 6 percent of New York's school bus fleet. Even if you triple that estimate, there's an obvious financial gap to be bridged to achieve 100 percent.

In regards to school bus contractors, there is one simple solution that will allow us to move this initiative forward at the rate necessary to meet the current or even extended deadlines. That solution is contract modification.

Zero of the 5,000 transportation contracts in the State of New York provide pricing for electric school buses. Allowing for modification would avoid the alternative solution of rebidding these 5,000 contracts in a three-year period. Such a process would not only be unprecedented, it would be detrimental to our state's largest public transportation network, the yellow school

bus.

Lastly, we are asking the state to consider the elimination of sales tax levied on private school bus contractors. In a roundabout way, our costs are passed on through the state via Transportation Aid reimbursement to school districts. In short, New York State is paying its own tax in the amount of roughly $285 million every year.

Elimination of this cyclical tax would free up funding for electric school buses, greatly bridging the aforementioned gap in funding.

These two proposed solutions are necessary for New York's electric school bus initiative. They're also achievable in this year's budget. If granted, New York school bus contractors can help accelerate this transition. If not, we will continue to meet barriers that make this initiative increasingly difficult if not impossible.

Thank you for your time. We are here to help. And above all, we are here to transport New York students safely.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Good evening.

MR. CHRISTOPHER: Good afternoon.

My name is David Christopher. I'm the executive director of the New York Association for Pupil Transportation. I'm here on behalf of the more than 700 members of NYAPT, and I want to thank you for allowing us to present our testimony today in response to the '23-'24 Executive Budget proposal. We appreciate the Legislature's continued commitment to safe school transportation.

I'd like to speak to two issues of importance today, staffing shortage and zero emission buses.

First off, NYAPT strongly supports the Governor's proposal to temporarily remove the earnings cap for state retirees. We ask the State Legislature to also support that proposal to help address the severe school bus driver shortage problem in our state, along with other staff as well. In a recent

poll of our members, over 100 members stated they employ retirees who would benefit by this proposal.

In terms of the zero-emission school bus mandate, we all know and we've heard today that the mandate requires zero-emission buses on our highways in New York by 2035. Our position is that the mandate timelines are unrealistic due to the fact of the electric bus infrastructure technology not being ready for full implementation in the school bus industry.

There are many challenges to overcome, and a one-size-fits-all solution does not work in our geographically diverse state. We again suggest a state-funded pilot program be established throughout the state in different geographic areas to test these out.

Regarding cost, an electric school bus costs three to four times that of a diesel gas-powered bus -- somewhere in the neighborhood of $400,000 to $450,000 each, compared to currently around $125,000.

There's simply not enough funding

currently earmarked or available to fully fund this transition that must start in earnest now. We cannot wait until years forward to start this process.

The grant and rebate money, which is somewhere around $800 million, falls short. And many school districts don't qualify, nor do private operators.

We're very concerned about the success of the future bus propositions as well, as local taxpayers will be asked to foot the bill for a portion of the estimated $15 billion required to convert the state school bus fleet. Additional funding is needed to cover the cost of this transition to assist localities.

To add to the challenges, last year the state amended the amortization schedule for electric school buses from a five-year amortization to 12 years. The 12-year state aid reimbursement term for the purchase of electric buses does not incentivize school districts to transition their bus fleets to zero-emission vehicles. We strongly request

that the state aid reimbursement for the purchase of electric buses be reevaluated.

We support the Executive Budget proposal to collect data from school districts on the progress of transitioning their buses to zero emissions, and we certainly hope you do as well.

We want to thank you for your support on these issues as we go forward through the budget process.

CHAIRWOMAN KRUEGER: Thank you.

Good evening.

MS. LIDIE: Hi, I'm Alli, and I'm representing the New York State Community Schools Network. Thank you for the opportunity to present testimony.

Across the state, schools are struggling. Students are working tirelessly to catch up on lost learning, but they face significant challenges to their mental health as they navigate the impacts of COVID-19, including the trauma of loss and grief.

Families have been hit hard with crisis after crisis, and there are inequities

present in their ability and preparedness to support their children's academic success after the school day. Teachers are burnt out trying to manage behavioral issues and still try to teach their curriculum.

One teacher I spoke with recently said his job teaching at a middle school in Brooklyn was 90 percent social work, 10 percent actually teaching. An administrator I've worked with in the Syracuse area told me about the challenges of trying to get an after-school program up and running using schoolteachers through ARP funding because, despite offers of high hourly wages, and due to high rates of teacher burnout, hardly any teachers were willing to sign up to stay extra hours each afternoon and run the program.

But what would it look like if students had access to health and mental health services they needed without ever leaving school? If families felt welcomed in schools and could go there to receive education, food and clothes they need, and

serve as thought partners in the school community? If teachers had the support from community partners, counselors, and social workers so they could focus solely on teaching? If available services and community resources were targeted to students based on their specific needs?

These schools exist. They exist in New York, and they probably exist in your district. They are called Community Schools, and they could be every school with just a little of your support.

Community School strategy coordinates the resources and relationships in a community to meet the needs of students so that everyone can thrive. Data linked in our full testimony shows not only that the Community School strategy works to increase attendance, reduce disciplinary incidences, and has a positive impact on test scores, but also that it creates a return on investment, in some cases upwards of $20 for every $1 invested.

So what can you do? A small

$1 million increase in the Community Schools Technical Assistance Centers this year will go a long way. Their first five-year contract is coming to an end. The investment is critical now to ensure that there is enough capacity to assist schools looking to utilize the Community School strategy over the next five years.

An extra $1 million will increase capacity at all of the Technical Assistance Centers and allow a fourth center to better meet the needs.

The only dedicated state investment is in the Technical Assistance Centers. It's time to actually invest in this strategy. We are asking for $100 million in categorical aid to expand Community Schools statewide.

Finally, we ask to maintain $250 million in Community Schools set-aside funding. We also support critical funding for the programs and services Community Schools effectively leverage and coordinate, including after-school summer and expanded learning programs, pre-K, school-based health

centers and mental health, as outlined in our written testimony.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly? Okay.

Senate, any questions? Ah, Senator Shelley Mayer.

SENATOR MAYER: Thank you.

First, for Mr. Christopher and Mr. Vallone, thank you for your comments on the bus driver shortage. I just wonder, in addition to things that both DMV and the Governor's office and others, SED, put on the table over the last year, do you have additional ideas of how to encourage more individuals to take the test, to become eligible and participate?

I personally think that there is more opportunity and we're not maximizing it. I'm just wondering if you think that -- if you could share briefly your ideas.

MR. CHRISTOPHER: I will try to be brief, but I could go long on that.

First off, we have to be competitive

with other industries. What's happened here is many people who may otherwise have become school bus drivers can go to other types of industry and make more money.

SENATOR MAYER: Right.

MR. CHRISTOPHER: Even though we pay our drivers, say, $20 an hour, which sounds like a lot, they don't make the hours per day to live on this wage. So we've got to look at certainly the hourly wage. We have to look at the atmosphere they work in.

In terms of, you know, modern equipment, you know, you probably heard me speak a little about electric vehicles. I'm not -- I'm not down on electric vehicles. That -- actually they're seen as possibly an enhancement for a driver because they're quieter to use, to drive.

Certainly we talked about the possibility of a tax break or a tax incentive for school bus drivers similar to what teachers and firefighters have as well.

So there's a lot of things that we have to do to look at the driver position.

One thing I think -- and it was talked about earlier regarding teachers -- is I think we need to look at the position and understand the importance of that position in our community. They're providing a very needed public service. And I think we need to start looking at that as -- the position as a necessary part of our community that helps educate kids.

And I'll turn it over to my colleague here, who is in the same business. I'm sure he can add.

MR. VALLONE: Dave, thank you. And Senator Mayer, thank you for the question.

One thing New York can do almost immediately, and it's already been discussed with our partners at DMV, is to adopt the federal under-the-hood waiver that was just recently passed in this year's cycle.

Just to explain to the committee what that is, school bus drivers, in order to pass the test right now to become a school bus driver, have to go underneath the hood and identify engine parts.

And actually the day they become a school bus driver, we don't permit them to do that. And it's increased the number of people attracted to the job, but it will certainly increase the number of people passing the test to become a school bus driver. And if you want to bring it full circle, under the hood of an electric school bus, there is nothing.

SENATOR MAYER: Thank you.

And just for Alli, thank you for your advocacy on after-school.

Are you supportive of the Governor's proposal to move the funding from administration to OCFS?

MS. LIDIE: Yes, we are.

SENATOR MAYER: Thank you.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Woerner, chair of Libraries.

ASSEMBLYWOMAN WOERNER: Thank you.

Thank you, Mr. Prime, for your testimony. And I just have one question.

Have you estimated what the cost would

be of the increase to the Instructional Materials Aid if we adopted the proposal that you've got to move it to $11 per student?

MR. PRIME: Yes, we have. I did some rough estimating, and there would be an increase of about 13.59 million. And that would in -- kind of be, all told, 31.47 million.

ASSEMBLYWOMAN WOERNER: Thank you very much.

And Mr. Vallone, one question for you.

So you talked about the need for transmission infrastructure to support charging at the bus garages. Have you done any modeling to sort of estimate for a standard, say, suburban school district, how much power they need to have -- power capacity they need to have available in the bus garage to power a fleet of EV school buses?

MR. VALLONE: Yeah, that's something that we're working on with NYSERDA as part of that advisory committee that also includes members from the state -- you know, our

utility partners.

I will not claim to be an expert in that regard, but I will say that's exactly the thing we need to look at. It's not what in -- you know, what the ask is and what the energy request is to get two, three, and four buses on the road but 200, 300, 400, and 500 buses on the road, because it's a very different project from that standpoint.

So I do look forward to -- we have one more advisory committee meeting with NYSERDA coming up this month, and we're very much, all of us, looking forward to completing that roadmap which will provide better detail on that than I can provide you as a school bus guy.

ASSEMBLYWOMAN WOERNER: Well, if you'll make a note to send me the answer to the question when you have it, I would very much appreciate it.

MR. VALLONE: I absolutely will, Assemblywoman. Thank you.

ASSEMBLYWOMAN WOERNER: Thank you, Mr. Vallone.

Thank you, Madam Chairwoman.

CHAIRWOMAN WEINSTEIN: Thanks.

Back to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Chu.

SENATOR CHU: Thank you, Madam Chair.

My question is to Mr. Prime, for libraries. So Mr. Prime, if I hear correctly, you mentioned that our capital for -- the capital need for our libraries statewide is $1.5 billion. And could you tell us what's the average age of our library buildings statewide?

MR. PRIME: Sure. So one second, I just have that information here. So the average need for -- or, sorry, average age of a libraries statewide, over 50 percent of public libraries are 60-plus years old. And an additional 31 percent were over 30 years old.

So our libraries are aging and do really need those funds to be able to best serve the community.

SENATOR CHU: Thank you.

And during the past two, three years during the pandemic, our library systems -- is there any extra social services that were needed and provided during that periods of time, like telehealth?

MR. PRIME: Absolutely. So libraries have become an essential hub of broadband accessibility and access in our communities, especially in a lot of our rural communities where lines haven't made it out there or in areas where individuals simply can't afford to access broadband.

And so libraries have stepped in where people can access telehealth needs, also job search -- or, during the peak pandemic, unemployment applications. And that also ties in a lot with the construction aid, because one of the needs that comes up with the telehealth is to build in more privacy, and that comes when people are trying to access our spaces for teleworking and other needs.

There are HIPAA requirements for telehealth, and there are just personal needs

for privacy as well. And there are materials out there that can be used to build more private spaces. And bringing us back to $14 million is not going to allow us to do that.

SENATOR CHU: Right. So you think right now our library infrastructure will be able to handle those needs like broadband, privacy -- are we able?

MR. PRIME: As currently funded, no. And bringing us back to 14 million, absolutely not.

We really need the funding to expand broadband, to expand privacy. And just as you mentioned before, our libraries are aging and they need to be renovated and fixed up in some cases.

SENATOR CHU: Thank you.

And I would like to quickly address about -- in the past two, three years during the pandemic, again, our ebook, our digital material usage has been increased. Do you have any data?

MR. PRIME: So as far as specific data

for increased usage, not that I can quote, but I can get that for you.

But I do know that that usage has skyrocketed and it's become an issue as purchasing ebooks for libraries. I'd be happy to get you that information outside.

SENATOR CHU: Thank you.

MR. PRIME: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Slater.

ASSEMBLYMAN SLATER: Thank you, Madam Chair.

I do want to thank the panel, especially the conversation on the school buses, something that we were talking about with the last group.

But as the ranker on Libraries, I'd like to just hone in on that, if we could.

We did hear from the Commissioner of Education that obviously the construction aid is -- is a problem. And as I said earlier, the library in my community dates back to the

Civil War. And my librarian actually texted me while I was here to say that the last time we had a renovation was before the internet even existed.

(Laughter.)

ASSEMBLYMAN SLATER: And so obviously there is a great need. And we heard the numbers -- 50 percent that are 60-plus years old, if not more.

But I'm curious, again, from an operational standpoint, by cutting the construction aid, what kind of impact is that going to have statewide on your library system? And what can we expect to see diminish if those funds aren't provided?

MR. PRIME: Yeah. So really -- as I mentioned before, one of the really cool things that it can be used for is broadband access, and especially -- I'm originally from Canajoharie, out in the country outside of Canajoharie. We got broadband pretty late. A lot of the people in areas like I come from go to the library to get broadband. They go to -- from -- you know, after school, there

to get broadband.

You won't have that continue into further-out areas if you don't have that funding. You won't see libraries that just physically need the upgrades without that funding.

You know, 34 million -- again, the statewide need is 1.5 billion. We got 34 million last year. Cutting back to 14, you're just not going to be able to have the services.

And I did look back through, and I do believe that there was a time in the mid-2000s, 2006-2007 area, where the funding was higher than that. Costs have increased since then. We need more funding.

Thank you.

ASSEMBLYMAN SLATER: Yeah, absolutely.

And even in our library, they even turned into a passport processing center. So I know libraries are finding ways every day to expand their services to help our communities.

I just want to, if I can, pivot to

NOVEL. I asked the same question for -- again, to the Commissioner of Education.

But -- so the Assembly Library Committee heard, again in that hearing in December, from New York City school librarians that it's a critical resource of public school students and it should be expanded.

Can you give us an update on the status of this program?

MR. PRIME: Yeah. So I actually spoke with some of our school librarian members the other day, and they brought this up to me, saying that, you know, to them NOVEL is a critical resource that they use across the state. It's for some districts the only way that they get databases. That's what they had told me earlier.

So really they have emphasized to me the need for that to continue.

ASSEMBLYMAN SLATER: And is it going to continue? Are we able to preserve that program?

MR. PRIME: You know, I'm unable to

say specifically, but I know that it is -- you know, I have heard the testimony earlier regarding funding. We need funding for that to continue.

ASSEMBLYMAN SLATER: Thank you.

MR. PRIME: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

A Senator? Thank you. Next we have Senator Murray.

SENATOR MURRAY: Thank you very much.

And I'm going to keep you busy, Mr. Prime.

So during your opening statement you mentioned library systems in your testimony. How many library systems do we have statewide? And then how many individual libraries do they serve?

MR. PRIME: Yes. We have 23 library systems, and then we have about 756 or so libraries. And then there are 1100 outlets in total, including, you know, neighborhood branches or bookmobiles, that sort of thing.

SENATOR MURRAY: So when we have these cuts, how are the funds -- as far as the aid,

how are the funds appropriated? Are they done regionally, are they done -- how exactly are they done?

MR. PRIME: So the funds go to the library systems, and then trickle on through the library systems to the individual libraries.

SENATOR MURRAY: Okay, so quickly, I like to call libraries the great equalizer. So we -- you mentioned branches and being old. We have, in William Floyd District, the Shirley, Mastics, and Moriches Library. The main branch, I mean, we've had asbestos problems, we have all -- I mean after closing it down, opening up temporary branches, we just opened a new branch right on Main Street in Mastic Beach.

Opening day, when we cut the ribbon, there were about 2500 people that poured through the door. A little girl comes up to the library and asks, What's the limit on books. I think she said 50. She said "Mom," and grabbed a bag, and she went loaded with books.

They love it. This is -- this is the chance to bring knowledge and information to every neighborhood. Cutting this construction aid, I wonder how -- what areas will be impacted the most when we cut the construction aid as well.

MR. PRIME: So like you mentioned, there are libraries that have concrete needs to update. You know, if you have safety issues, like you were talking about with asbestos, or other similar obstacles that you're facing, you need to address that. And without the funds to address that, you can't address that. And then the community is impacted from that.

SENATOR MURRAY: Do you think the aid that we're going to be giving out, the construction aid, if it's -- is that enough to even cover the basic needs? Forget about expansions or anything like this, is that even enough to cover the basic needs?

MR. PRIME: Absolutely not, no.

SENATOR MURRAY: That's what I thought.

I'm on limited time. So we've had minimum wage increases. I know in the summertime, again, in some of our branches we hire some college kids to come home from summer as library aides, and that increase -- how have the increases affected your labor costs with that many branches across the state?

And I know the Governor gave some allocation to offset that, but I doubt that's enough. Again, how have your labor costs been impacted over the last five years or so?

MR. PRIME: Certainly. So while I unfortunately don't have, you know, concrete data to provide you in terms of numbers, I can follow up with you later on that.

SENATOR MURRAY: Okay.

MR. PRIME: I can say that I have heard from our membership regarding anxiety about this. And we're certainly happy to follow up with you after this as well.

SENATOR MURRAY: Okay. Thank you very much.

MR. PRIME: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Conrad.

ASSEMBLYMAN CONRAD: Thank you.

This question is for Max and Dr. DelCorvo, I would assume. I want to talk NOVEL databases. It's been a hot topic here. We had the commissioner here earlier -- we were asking questions about the cuts to those.

What's the impact of this? You know, 2.6 million to a database system, what does this mean, you know, to the average person on the street talking about these databases, its impact, why librarians are really out of sorts about this issue right now?

MR. PRIME: So really from my perspective, and what I've heard from our membership, it's been from school librarians stating that this is the way that many of our public schools are able to have database access.

I'm a former educator myself. I know

it's critical to have those databases, especially for media literacy, education, for social studies education. You know, everybody deserves access to these resources. Education is essential. Libraries are an essential component of that, and school libraries even more so.

ASSEMBLYMAN CONRAD: So as a social studies teacher, I would take my class down to the library and we would talk about sourcing, contextualizing, corroborating sources, and we would go into the different databases. That's the exact databases that we're talking about that would be removed from funding?

MR. PRIME: Yes. Those would be the sort of databases. And, as you said, when you are an educator and you bring your class to the library and you're trying to teach them about sourcing, about quality places to get your information from, media literacy, having access to databases that have peer-reviewed materials, things like -- that is essential to do so, where you can show

students what those materials look like.

ASSEMBLYMAN CONRAD: I don't disagree.

With my time, you know, we talk about the $6.25 -- and I know Member Woerner already raised the issue -- to $11, the cost of that. What else besides -- you know, when we talk about these types of databases, would you as an organization be looking for? You know, 2.6 million is the cut. Were you guys looking for an increase besides that, I guess is the question.

MR. PRIME: Are you referring specifically to NOVEL or to the library materials?

ASSEMBLYMAN CONRAD: Just the library materials.

MR. PRIME: Okay. For library materials, yes, we would love to see a raise to $11 per pupil. That 6.25 level has stayed flat basically since 2007. Costs have increased since then.

The School Librarians Journal places the current price for a nonfiction book for children at around $22. So an $11 per pupil

proposal, it's half of what it would be for one book for one child. It's pretty modest.

And honestly, you have to, as a library, continue to revamp and refresh your collections to stay current and to, one, appeal to students, but also have information that is going to be valuable to them and effective for their education.

ASSEMBLYMAN CONRAD: I appreciate that. Thank you.

MR. PRIME: Absolutely.

CHAIRWOMAN KRUEGER: Next, Senate.

Robert Jackson.

SENATOR JACKSON: I was going to say good afternoon, but I'll say good evening.

(Laughter.)

SENATOR JACKSON: So thank you for hanging in there and communicating loud and clear what you like and what you dislike about the upcoming budget.

But let me just first confess that I am a fan of Community Schools. Because I remember Betty Rosa here this morning, she talked about that she was the principal of

the first Community School in the State of New York, and that was in Washington Heights in School District 6 when I was a school board president.

But so anything we can do to make sure that a Community School has wraparound services and everything that our children need, that is a good thing. So I'm clearly supportive of that.

And as far as buses, believe me, I know how important buses are. When the bus company of New York City was on strike many years ago, 19-degree weather, we were out there and waiting in order to get a contract. But our kids need to be bussed, and we need to make sure that they're safe, most important thing.

And then moving -- I heard the discussion, moving from -- to electric, you know, that will happen over a period of time. Even I said to myself, I have a car in which I use gasoline. The next one, whenever that is, will probably be electric. I mean, that's where we have to move, from a global

point of view, to protect our environment. I'm not saying that has to happen like that, but we just have to move there.

And as far as making sure that, you know, you hire -- when I say "you," we all hire bus drivers in order to transport our children. I totally agree wholeheartedly, and I will do everything I can as a state legislator to support that.

So I wanted to say that to all of you, a little bit of this, a little bit of that. But -- and I see that they put the libraries with the bus transportation and the Community Schools, and I was saying, what's the connection? But it's all about, you know, our children and education.

So thank you for coming and giving your position.

Can I ask this question, please, if you don't mind? And I have 56 seconds. Do we -- can you explain why the current state funding as a set-aside doesn't meet the needs for Community Schools?

MS. LIDIE: Yes. We're supportive of

dedicated funding for Community Schools that's additional funding outside of the Foundation Aid formula -- which is a set-aside of the existing funding and not available to all districts that are interested.

Community Schools are a strategy that can work in any school, in any district. And we would love to have funding available to anyone through a categorical aid that would be available, that's separate and dedicated outside of the Foundation Aid.

SENATOR JACKSON: What's the positive aspect of Community Schools versus a regular school?

MS. LIDIE: Community Schools, again, they coordinate the services and the resources, bring everyone into the school to dedicate that to the specific needs of the students and the community so that everyone can thrive.

SENATOR JACKSON: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblyman Manktelow.

ASSEMBLYMAN MANKTELOW: Thank you, Chairwoman.

Max, I have a couple of questions for you in regards to libraries.

Having a new district, I now have Monroe County as part of it, so I met with the library system up there in Monroe County and we talked about a lot of the libraries being old that are going to need a lot of capital projects moving forward.

One of the things I talked to them about is electrification, moving to electric heat as they prepare to do their changes and restorations to the buildings. With the Governor's proposal of cutting the 14 million, how are we going to get over that? How are our libraries prepared to move to electrification in their buildings? And I feel they should be, as we're going to be pushing this through New York.

Well, what can we do with the cutting of the capital money by 14 million? How are we going to get over this hurdle to prepare your libraries across the state to do this?

MR. PRIME: So at 14, it's not going to happen. It's not going to be sufficient to do that.

One of the things that the funding can be used for is energy efficiency updates, updates in line with what you were discussing. So that's why, as far as our organization is concerned, we really feel that that $69.4 million allocation is where we need to be. At least.

It's -- we need to have additional funding to get to where we need to be. Right now it's difficult to impossible.

ASSEMBLYMAN MANKTELOW: And just a follow-up on the question. As we build more libraries -- I'm sorry, newer libraries and reconstruction, are we incorporating solar power into those libraries if possible, or wind power?

MR. PRIME: So I can't speak necessarily to specific examples, but I do know that that is something that would be up to the individual systems and libraries. So I'd love to speak with membership to hear a

little bit more about kind of where they're going with things. And give you some examples, because I do believe that there are systems in libraries that are leaning into that.

ASSEMBLYMAN MANKTELOW: All right. I appreciate your time. Thank you.

MR. PRIME: Thank you.

ASSEMBLYMAN MANKTELOW: Thank you, Madam Chair.

CHAIRWOMAN WEINSTEIN: Do you have any?

CHAIRWOMAN KRUEGER: Yeah, we do.

Senator Tom O'Mara, to close for the Senate.

SENATOR O'MARA: Thank you.

Thank you all for your testimony this evening.

With regards to the electric buses, I just want to clarify that while we have till 2035 under the law to transfer those buses to electric, that process starts in four years, in 2027. At three or four times the cost of a bus, plus the infrastructure

that doesn't exist, that is going to require purchasing buses in 2027 and rotating them through that fleet, and over that eight-year period.

Is that a standard rollover for the buses as we do them right now in the current replacement schemes for most districts?

MR. VALLONE: I'll split my time with my colleague Dave here.

It's a little aggressive. Ten percent a year is a typical replacement schedule.

But I will be a voice of reason in this, in circling back to my testimony on the need for contract modification. We know that these buses will not continue to be $450,000 per year. We understand that clearly. The private sector of school busing is eager to go to the market and tame the market to figure out the true cost of this, create some real competition, put in real purchase orders for large amounts of buses.

But as we move through that process, as we go to 2027, '28, all the way through '35, we're going to need elasticity in our

contracts because it's a real barrier to this whole initiative, to increase price or decrease price assuming, you know, the price of this vehicle changes over time.

So I hope that answers your question, and I'll yield to Dave here.

MR. CHRISTOPHER: Yeah, I think most operators have replacement plans in place, and they differ.

They differ according to where they live in the state. Some areas of the state, buses just don't last as long as in other areas of the state. A bus in the Long Island area might last longer than a bus, say, in Syracuse or out west in, you know, the Buffalo area where they're running them through a lot of salt, et cetera. So it varies.

You know, my testimony said we need to start now. We need to start now looking at infrastructure, and we need to start getting, you know, our test buses in there so we can learn how to do this. This is a monumental shift in the industry in terms of running,

you know, electric buses. So --

SENATOR O'MARA: What are you hearing out there with regards to the infrastructure? What are you hearing about the cost of setting up the charging stations, the capability of utilities to deliver that amount of energy? And are the districts going to need more buses to use while they're charging other buses?

MR. CHRISTOPHER: Yes. We've learned that many areas, many school districts that are running school buses, electric school buses currently have actually increased their bus fleets because of dependability issues.

And we've heard rumors of a 20 percent increase because buses are not available when needed due to charging issues and cold weather, et cetera. So that's something we have to keep in mind in terms of the cost.

CHAIRWOMAN KRUEGER: Thank you.

SENATOR O'MARA: Can I just ask one more quick -- just on the one I asked on the infrastructure.

What's the cost per bus for that

charging system?

MR. CHRISTOPHER: We're using $400,000 to $450,000 per bus. And a charging station, depending on what you buy -- because you can buy a lower level or a higher level -- excuse me -- is anywhere from probably $30,000 to $70,000, depending on what the charging station does.

SENATOR O'MARA: Thank you.

Thank you, Chairwoman.

CHAIRWOMAN KRUEGER: You're welcome.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Crystal Peoples-Stokes.

ASSEMBLYWOMAN PEOPLES-STOKES: Thank you, Madam Chair.

And I want to certainly appreciate you and your partners from the Senate for your due diligence here all day long today. I have been able to weigh in a couple of times over the TV screen. But you all are to be commended.

And I certainly want to thank you all for your patience in being able to wait to

testify here today.

I have actually three quick questions.

One, Community Schools. I actually am the author that introduced that legislation for the State of New York back in 2014, and we tried to get a separate funding stream. It didn't work then, and it's still a big challenge right now.

So what you're suggesting is that it should be a separate funding stream and it should be increased by $100 million.

MS. LIDIE: That it should be separate and that the separate stream should be 100 million. And we're still supportive of maintaining the existing 250 million set-aside.

ASSEMBLYWOMAN PEOPLES-STOKES: Okay. I do think there needs to be -- some of the criteria needs to be tightened up a little bit, though, because it was actually designed to bring equity to education. There are some children who do not come to school with the same thing that other children do, and it should not be a comparison to what they

receive there in terms of resources.

But it's important that they have those wraparound services. Those work in Buffalo. They have, you know, Saturday schools, where parents are actually in school with their children. And there are lawyers, there are doctors -- whatever it is that they need to be better, it is there for them.

I think that clearly COVID exacerbated the problem, so now there are more people who need it. And so I can clearly see a need for more resources.

On the whole school bus issue, I know there's a lot of reluctance to think about, you know, electric buses or electricity in general. But -- you know, it's a scary notion, but at some point we've got to get there. Because if we don't figure it out -- we might not have our solutions now, but we've got to keep talking about it, because we've got to figure out how to get there.

So I'm glad you all are working at it. I will say there is one instance that's happening in Buffalo, where we're actually

using parents because there are not enough drivers to drive kids to school, and I want to get your thoughts on that.

MR. VALLONE: We totally agree that we need to get there and that we can get there. I think the biggest question is the timeline, which again is not something I'm providing a recommendation on today. It's just things that the private sector could use to help it be a partner for the state in getting there.

And as far as the driver shortage goes, and in relation to contract modification, a very intricate point to consider is the churning of contracts. Because without the ability for a district to work with its current operator to transition to electric, forcing that district to go to bid and forcing a situation where the operator could change -- first of all, that's how, you know, it goes today. And that right would be reserved by a district.

But there is an inevitable amount of attrition in workforce when a company that's been serving a district for 20 years is no

longer serving that district. One hundred percent of that workforce does not go with the new operator. And if we see a 5, 10, and 15 percent churn in employees in the school bus world over the next -- through 2035, it's a mountain we cannot climb.

ASSEMBLYWOMAN PEOPLES-STOKES: Well, we could be training some in Buffalo right now, because parents are driving their kids to school and being paid for it.

I did want to ask you a question about libraries, but I guess I'm going to have to ask you that after this panel shuts down. I see my time has run out.

But thank you all for being here.

CHAIRWOMAN WEINSTEIN: Thank you.

We go back to the Senate.

CHAIRWOMAN KRUEGER: Thank you. I just have one quick follow-up question for Alli.

The question was, do we know what school districts have been doing with the Community School set-asides?

MS. LIDIE: Yes, we do have some data

in terms of the amount of funding that's been spent in different categories. Some of that is specific to Community Schools, putting in Community School directors and bringing in some of those wraparound services.

That language is also broad and allows for anything to support academic achievement, and so some of that funding is going to other areas. And I can follow up and send you the breakdown.

CHAIRWOMAN KRUEGER: That would be great. If you could follow up with both of us, we'll make sure everyone on the committees gets the material.

MS. LIDIE: Yes.

CHAIRWOMAN KRUEGER: Thank you.

The Senate's closed.

CHAIRWOMAN WEINSTEIN: Thank you.

So there are no more questions for the panel. Thank you for staying with us so late.

So the next panel is Panel F: Teach NYS, New York State Catholic School Superintendents, Agudath Israel.

And Panel G, I'd ask you to start to move down -- the New York Charter School Association, Charter Parent Council, New York City Charter School Center.

So if we can start with Teach NYS.

MS. ALTFIELD: Thank you, Chairs Krueger, Weinstein, Mayer and Benedetto and distinguished members. Thank you for having me today.

It is good to see familiar faces. I brought a lot of you to our schools, and this is an open invitation to the rest of you to come and visit the schools that this funding is supporting.

I'm here on behalf of the 380 nonpublic school students in our state that attend around 1700 schools. This is about 15 percent of the student population, so it's a big number.

I'm here to ask for three things. First is funding for our STEM reimbursement program. The STEM reimbursement program reimburses qualified STEM teachers in our schools, and the Governor has put in a budget

line of $70 million. Now, while this doesn't fully fund the program, we are very thankful for this increase in her budget and we ask for your support in keeping that $70 million.

STEM programs in our schools, this funding has significantly transformed the programs offered in nonpublic schools and is being helped by the funds from this program.

The second ask is a new pot of $5 million for an arts and music program to mirror the STEM program. We have seen such improvements in our schools and in the quality of the education through the STEM program that we now would like to start to look at improving the arts and music programs in these schools.

The arts and music -- as we know, arts and music fully impact student life, student learning, and this is all to then fully go back into the state when these students have jobs and reenter the workforce.

Our third ask is to fully support the universal free lunch program. Just like all other students in the state and all other

families, they are suffering from inflation and also suffered when the federal funding was cut for this universal free lunch. So we fully support the need to fully support universal free lunch.

I don't want to take up too much time, because you have the written testimony in front of you, but again we -- I would like you to carry over the Governor's allocation of $70 million for STEM; a new $5 million pot for arts and music; and universal free lunch for all. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Jim?

MR. CULTRARA: Sydney, thanks.

On behalf of the Catholic schools in your district, but more importantly on behalf of the Catholic school parents in your district, we want to thank you for the many programs and the funding that you provide to our schools that our parents have found incredibly helpful and very important.

I don't want my comments, though, to overshadow our gratitude for those programs,

but let my next comments overshadow my gratitude for those programs. Because that support doesn't come close to meeting the real need, the greatest need of our families, and that is help with paying tuition.

We have found that regardless of the support that we're getting, we're still closing Catholic schools, despite the demand. We have waiting lists for our scholarships, yet we don't have enough scholarship money.

Our schools don't suffer from a lack of demand. Our tuition-paying families, as you know very well, are sacrificing. So what we're focusing -- what my comments are focusing on now is that we oppose the Governor's proposal to raise the cap to open more charter schools, absent help for tuition-paying families.

We are not anti-charter, we are pro-family. But families need a diverse array of schools to choose from. And history has proven to us in New York -- and not in other states where there is tuition assistance, by the way. But history has

proven in New York that for every charter school that has opened, a Catholic school has closed, and some Lutheran schools and Christian schools and so on, and historically Black independent schools have closed. Some closed and then became charters. Right? That's a matter of history and fact.

So our parents are asking if you can't give them tuition assistance that they desperately need. Don't raise the cap and therefore raise their tuition. Don't raise the cap and put more Catholic schools in jeopardy.

But I want to say, to our charter school partners in the audience, you can do both. And in doing both, you could actually save money.

And as Senator Liu was questioning Chancellor Banks about the class size mandate -- you could actually help the chancellor meet that mandate by providing incentives to put kids into empty seats that do exist. That would be a way to save money, as opposed to spending more money.

So you can do both, and we urge you to do so. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Rabbi Silber.

RABBI SILBER: Good evening, everybody. It's good to be back in person again. I am glad to join my distinguished colleagues, Jim and Sydney, as nonpublic school advocates.

As Sydney already mentioned, I also have my written testimony. Nonpublic school students make up about 15 percent of the total school population statewide. The schools save the state billions of dollars annually and yet receive less than 2 percent of total education funding.

So let me mention some of our funding priorities. Mandated services and CAP is the largest social funding for public schools. The Executive Budget allocates 193 million for the combined '23-'24 MSA and CAP programs. This is the third consecutive budget that MSA and CAP have been funded at this level.

In my written testimony, which was submitted on Monday -- I subsequently was informed that SED requested a total of $210 million because of the growing concern that the current allocation will not be sufficient to cover all claims. Furthermore, the Executive Budget language states that funds appropriated shall represent the fulfillment of the state's obligation for aid. Meaning that if claims exceed allocation, they will not be paid in full.

The state has always been liable for the entire cost, and this language removes that liability.

We call upon the Legislature to increase the allocation to the amount requested and to please remove that language and keep the state liability intact.

Another budgetary request, as indicated in my written testimony, we increase the NPSE security funding as well as correcting the shortfall in the immunization recordkeeping reimbursement for New York City, Rochester, and for Buffalo.

We also support the universal school lunch initiative, which provides free breakfast and lunch for all students.

Before concluding, let me briefly address an important topic. Now, for a long time, and more recently due in part to an incessant media barrage, there's been an unfair perception -- misperception, I should say -- of Orthodox Jews in general and the schools and yeshivas they attend. This is coming at a time when antisemitism is on the rise.

In my written testimony I go into this at some length, and obviously I don't have much time to go into it all, but in an attempt to set the record straight, Agudath Israel has launched a campaign called "Know Us," and this book has some of it.

In recent weeks we have launched a media campaign to highlight this initiative. We have a dedicated website at knowus.org as well as a Twitter account. We urge you, go to our site, better educate yourselves. It should be fact-driven, not fiction.

And again, you're all invited to the schools, and I'm happy to have anyone, any members here, to please, anytime, we'll be happy to arrange for you to visit our schools.

Again, thank you for the opportunity. And let's really work together to achieve positive results for all children across the state.

CHAIRWOMAN WEINSTEIN: Thank you all, and thank you for waiting.

We have Assemblywoman Hyndman. Alicia?

ASSEMBLYWOMAN HYNDMAN: I'm not used to being first.

Okay. Thank you very much for your testimony.

I understand that you said the Governor put $70 million up from 58 million. Was the $58 million exhausted last time? And how many different institutions across the state applied?

And if you could just tell me the -- what is the least amount of students in a

school in order for a nonpublic school to apply?

MS. ALTFIELD: Sure. So the 58 million was fully exhausted. Every year it's exhausted. If you were to fully fund the program based on the amount of applications that come in, it would be at $100 million.

So 1800 applications came in, and it was prorated at the rate of what is in the pot. So that increase is very much needed because schools are not even getting what they apply for, and some schools are even being turned away.

So 1800 or so applications, and every year that number grows. So every year that pot needs to continue to grow.

ASSEMBLYWOMAN HYNDMAN: And that's all over the state, you're saying?

MS. ALTFIELD: All over the state, correct.

ASSEMBLYWOMAN HYNDMAN: And how many -- what's the -- is there a criteria, like how many students in the school, to

apply?

MS. ALTFIELD: Sure, so it doesn't matter about the number of students in the school. The criteria is based on the quality of the teacher. So the teacher must be a highly qualified teacher, meaning that they have a master's degree in education in one of the STEM subjects, and they must be a certified teacher.

So you can only get reimbursed if you fall under that category as a qualified teacher.

ASSEMBLYWOMAN HYNDMAN: Certified by SED.

MS. ALTFIELD: Yes.

ASSEMBLYWOMAN HYNDMAN: All right. Thank you very much.

MS. ALTFIELD: You're welcome.

CHAIRWOMAN KRUEGER: Senator Shelley Mayer.

SENATOR MAYER: Good evening. Thank you for hanging in here all this time.

On the MSA and the Governor's proposal, Rabbi, can you just explain what

would be the impact on this prorated proposal, which would not be full funding of MSA costs? How would that affect the schools that you represent?

RABBI SILBER: So schools are mandated to provide certain services: Testing, attendance taking, pupil data, immunization. And the mandated service is simply a reimbursement for the cost. And there's a complicated formula. There is a formula for schools that's quite sophisticated and a complicated formula they fill out to apply for the reimbursement.

But what happens is schools are spending the money because they're mandated, yet they wouldn't get fully reimbursed for fulfilling a state mandate. It's as simple as that.

And for 50 years -- this problem goes back to the 1970s -- there was always -- every few years DOB will stick in the language. And we really thank the Legislature -- it came out during the COVID year and did it again, and we thank the

Legislature for restoring -- for taking the language out and restoring the full reimbursement.

So again, we ask that again, to make sure that schools are fully reimbursed.

MR. CULTRARA: Senator, if I can add, our schools depend on that to make payroll.

SENATOR MAYER: Yes, understood.

And this would be the first time that the state didn't agree to pay costs associated with mandatory services that you provide in your schools. Okay.

The other thing is, Sydney, I wondered what -- has there been enrollment growth in the schools that you represent over, you know, during the -- like '19 till now, 2023?

MS. ALTFIELD: Sure, a lot of enrollment growth. I think a lot also of the need for scholarships because of the pandemic and from prior years also.

Within our faiths, faith-based community schools, nonpublic schools, it is a necessity to send your child to one of these schools within our religion, and we do not

turn students away. So they will raise the money, extend the scholarships to make sure that these students can come. And yes, our schools are growing, thankfully, but it's affecting the bottom line of all of our schools. Because they are making sure that these children get educated within the Jewish system or the Catholic system, whichever it may be, without it being the biggest burden on them, even though it already is a burden.

SENATOR MAYER: Jim, I just wondered, in the Catholic school community, notwithstanding your comments about charters, though, what has been the enrollment change in the Catholic school community?

MR. CULTRARA: We have now less than 200,000 -- fewer than 200,000 students. We had twice as many when I started this position 25 -- 26 years ago. Same number, we had 845 schools, we now have fewer than 420.

SENATOR MAYER: Say it again? You had how many?

MR. CULTRARA: We had 845 25 years

ago; we now have 420.

Exacerbated, I should say -- the trend started closing in the '60s, 1960s. But clearly it's exacerbated by the creation and expansion of charters.

There will be an announcement coming in the next two weeks, but another round of closings attributable to the expansion of charters -- sometimes by adding grades, and others by new schools.

SENATOR MAYER: Understood. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblyman McGowan.

ASSEMBLYMAN McGOWAN: Yes, thank you.

I want to thank you all for being here, especially in this late hour of the day.

Rabbi, I wanted to ask you, you mentioned, when you were talking about the MSA and the CAP funding, certain language you found troublesome. Can you tell us about that a little more?

RABBI SILBER: Yeah. The language

very simply states -- and I think the exact quote or the exact language says that the amount -- the amount appropriated shall represent fulfillment of the state's obligation. So whatever was appropriated -- now it's 193 million. But in essence, language that kills the whole programs, because they could allocate anything and that would be the extent of what will be funded.

Which means -- it essentially makes the program meaningless. Because even now, with the allocation, SEU themselves is concerned that the current allocation will not be sufficient to cover this year's -- the coming year's claims.

So certainly that language is in there. It will certainly not be able to cover claims, and again in future years as costs rise.

ASSEMBLYMAN McGOWAN: Right. So you talked about a shortfall, you know, 193 -- 193 million to 210 million, essentially that being the gap --

RABBI SILBER: Well, this is SED's

estimate, estimation, based on past claims and patterns, what they anticipate the costs will be.

ASSEMBLYMAN McGOWAN: So it's a gap now, but the language you've identified also is forecasting issues moving forward. And that could be --

RABBI SILBER: Yes.

ASSEMBLYMAN MCGOWAN: -- not just for this year but for future years.

RABBI SILBER: Sure. Once the language is there, that's it. And then again, it will depend -- we're at the mercy of the amount allocated.

ASSEMBLYMAN McGOWAN: So then your request would be to remove that language entirely.

RABBI SILBER: The language has never really been there. It's been tried, but each time it's put in it's been removed. So we ask that it be removed again.

ASSEMBLYMAN McGOWAN: Right. Okay, thank you.

RABBI SILBER: Okay.

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Jackson.

SENATOR JACKSON: Again, let me thank you for coming in and staying the course and listening to all of the testimony of all of the people that are coming up and questions that we put forward to you.

RABBI SILBER: Very informative.

SENATOR JACKSON: So let me ask a question for the rabbi, if you don't mind.

The Department of Education report and the New York Times investigation report found that tens of thousands of students attending city yeshivas receive little or no secular education. And there is a regulatory process underway rolling out over the next two years.

How are schools who do not provide substantially equivalent education working right now to get into compliance with the state law 3204 and the newly passed state regulation?

RABBI SILBER: Okay, Senator, I'm glad

you brought that up.

First of all, the New York Times -- 13 articles since September, the New York Times has an obsession, apparently, with the Orthodox community that -- I hate to say it -- and you go through this book, a lot of it's in here, it's on our website -- a lot of it is based on faulty data, cherry-picked data, innuendo, and interviews that were not done, interviews with certain select people. So let me say that.

Schools are -- have many ways of educating children. Some schools are very secular, some schools are more culturally sensitive. We don't control that. Agudath Israel doesn't control any schools. We represent them, we advocate for them, we don't control any schools. We are waiting -- I will say yesterday the State Education Department -- the Regents passed, back in September, new regulations. There's some litigation pending, so we're waiting to see where that comes from. But again, a lot of it has to do with guidance.

And with the regulations, there's a lot of issues. For example, anyone, even someone without standing, can make a complaint. Even a school, for example, that has a pathway, whether it's a registered school or an accredited school, any complaint, even some without standing, could trigger a whole investigation of that school.

SENATOR JACKSON: So, Rabbi, you're saying that you guide the schools, you don't -- you're not the schools yourself.

RABBI SILBER: Right, we don't control them. Every school -- they're not monolithic. Every school virtually has their own boards, their own administration.

(Overtalk.)

SENATOR JACKSON: Well, Rabbi, I say to you as someone that has been an advocate in education, I have heard, I have seen people stand up from the yeshiva communities and say they will go to jail first before someone tells them what they teach in schools.

I'm not saying that you can't teach

your religious texts, but if in fact you're getting state money to do regulatory stuff, it has to be done. So that's what I'm saying overall. If you're receiving state money, you have to do what is supposed to be done.

RABBI SILBER: Correct.

SENATOR JACKSON: And if not, I've said, loud and clear, if you're not going to comply -- and it doesn't matter if it was anybody else -- cut them off. That's my position.

So I just wanted to let you know that, based on what your response was that you're representing the group and not speaking specifically for one yeshiva.

RABBI SILBER: Right. Again, you know, I'm --

CHAIRWOMAN KRUEGER: Thank you. We're going to cut this off. Senator Jackson's time is up.

RABBI SILBER: I'm sorry. Okay. Okay.

CHAIRWOMAN KRUEGER: Assembly, you're okay? Nope, we have more Senators.

CHAIRWOMAN WEINSTEIN: Okay, sorry.

CHAIRWOMAN KRUEGER: Senator Chu.

SENATOR CHU: Yes. Good evening, everybody. Thank you for staying this late.

This question is regarding the universal free lunch, so maybe three of you can address it.

So just -- I would like to get a sense of how many percentage of your student enrollment -- a rough number, it doesn't need to be very specific if you don't have it on hand. Like how many students or a percentage of your students would be qualified under -- if they are enrolled to a traditional public schools, they would be qualified for free lunch?

MR. CULTRARA: In the Archdiocese of New York and the Diocese of Brooklyn and Queens, I'm estimating about 80 percent would qualify.

And the other dioceses, I can't speak to that, although I will say this. That virtually the vast majority of Catholic schools once upon a time had meal programs

when it was affordable. And now the -- our administrators tell us that it costs more to operate it than they're getting aid for. And as you know, our schools have no financial margin, and so they've had to drop those programs.

Some of them rely on the public school -- or benefit from a partnership with public schools to provide that program.

SENATOR CHU: Thank you.

Rabbi?

RABBI SILBER: Yeah, I don't know the exact numbers. Many schools are on CEP, which is the Community -- I forget what it stands for -- but when you get a certain percentage, I think at 63 percent of free and reduced, the entire school gets it.

But interestingly, in the Orthodox Jewish community, you don't have rich neighbors and poor neighbors, you have people living in one neighborhood, your next-door neighbors, you could have a millionaire living next to someone who's living on food stamps. So it affects the schools as well.

And there could be, you know, kids in school bringing gourmet lunches and other kids barely could scrape two things together. So this is very important that -- and we have seen also in schools that unfortunately it becomes a weapon with kids that have better food, use it weaponized to other kids. So it's really important to have that universal lunch that no child should feel, especially in schools where there's a mixture of rich kids and poor kids, no child should feel that they're left out, they're lacking something because they don't have the lunch -- the type of food that the other child has.

SENATOR CHU: Thank you.

RABBI SILBER: And it's very important to have. And especially during -- you know, during the COVID years --

SENATOR CHU: Yes, Rabbi, I need Sydney. Thank you.

RABBI SILBER: Yeah, I'm sorry. I keep talking.

MS. ALTFIELD: I don't have the exact numbers, but what I will say is that when the

federal funding was allowing for all students to be participating in this free lunch program because of the COVID pandemic, a majority of our schools were taking advantage of that.

And when the rug was pulled from them, all of this -- just the same way that the public schools did, our nonpublic schools are scrambling to figure out what to do next. And right now they're at a standstill of waiting to see what happens here. And it is a big concern, and we hope that this Legislature will carry that.

SENATOR CHU: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Liu.

SENATOR LIU: Thank you, Madam Chair.

Rabbi Silber, you were discussing your objections to the series of New York Times articles about some of the Orthodox Jewish schools. Can you give us some more objections?

RABBI SILBER: Yeah, I'll give you an example. The New York Times said that --

that schools are flush with cash, they received a billion dollars. Now, that billion dollars sounds like a lot of money, and it is, but it's over four years. This year's budget puts $34 billion in one year for education.

That billion dollars included COVID relief money, it included transportation, it includes food money. So, you know, it gets a different perception when you struggle to reach over four years that figure of a billion that makes people, oh, take a second look: A billion dollars. So that's one misperception.

Another one's corporal punishment. Yes, corporal punishment, there is a zero tolerance policy for corporal punishment. But there've been a dozen, I believe the article said, allegations over five years.

At the same time, the Albany Times Union, if you all -- and it was mentioned this morning -- had an article where there were 16,000 complaints in public schools. Too many. Every one is one too many.

But the perception is that the schools are full of corporal punishment, which is just not the case. There's no tolerance for it, and every instance is too much and shouldn't be tolerated. It's as simple as that.

SENATOR LIU: And what about the allegations, the continuing allegations that some of the schools just are not providing an education suitable for today's world?

RABBI SILBER: Look, we have to look at these schools, we look at outputs. These schools produce citizens who are well-rounded in all areas -- businesspeople, entrepreneurs, professionals, every walk of life. Family life, communities that are low in crime, low in drug use. The median income is as high or higher than other communities.

So those schools are doing something right over these years.

MS. ALTFIELD: If I may.

The two programs that I spoke about earlier, the STEM reimbursement program and the hopes of this new arts and music program,

I think debunk a lot of what is said in these articles.

In order for these schools that are getting -- and if you look at the list of schools, a lot of these schools are getting this funding. And in order to receive this funding, you must have qualified teachers teaching these subjects. And it is a rigorous application process for them to be -- to send to the State Education Department and --

SENATOR LIU: Are you speaking about some of the schools that Rabbi Silber is talking about?

MS. ALTFIELD: Yes. Yes. There are many schools that -- and maybe they aren't, but they're coming to us asking how can we change our education to, one, get this funding? And you know what, you have to change it in a way that you can get this funding by hiring qualified teachers and offering a qualified secular education.

So this funding is transforming a lot of these schools. And you can only get it if

you're doing that. And the perception is is that they're getting all this money if they're not teaching it, but that perception is wrong. They are only getting this money if they are, and a lot of them are.

SENATOR LIU: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Yes, me, thank you.

So, Rabbi, there's a recent report that the New York City Board of Education has stopped doing business with 20 firms affiliated with special education funds to yeshivas. I don't know that they're affiliated with Agudath Israel specifically. They all seem to be affiliated with a gentleman named Martin Handler.

Do you think that we, the public, should get money back? It was $60 million last year, I'm told.

RABBI SILBER: Look, you're talking about one individual. This is not a systemic thing, it's one individual who was accused of something, and I -- you know, again --

CHAIRWOMAN KRUEGER: I think there are

about six individuals and 20 firms accused.

RABBI SILBER: Right, I understand that. But this is not -- the State Ed -- the special education system works. People are getting services.

If people are doing the wrong thing, they should be prosecuted and that money should be returned. I'm not -- we don't condone anything.

You know, every person is entitled to their day in court, and they have presumption of innocence. But certainly if there's found to be wrongdoing, the money should be given back. We have no issue with that.

CHAIRWOMAN KRUEGER: And are any of these firms affiliated with Agudath Israel?

RABBI SILBER: No.

CHAIRWOMAN KRUEGER: Thank you.

RABBI SILBER: These are private firms, no -- no affiliation.

CHAIRWOMAN KRUEGER: Thank you.

I think the Senate is done.

CHAIRWOMAN WEINSTEIN: And the Assembly is done.

Thank you all for being here and for the work you do in the communities.

Next we have Panel G: New York State Charter Schools Association, Charter Parent Council, New York City Charter School Center.

And if the next panel wants to start making their way down -- I think they are -- New York State Nutrition Association, Healthy School Meals for All New York Kids Coalition, and Niskayuna School District.

Someone go first.

MS. BENNETT: All right. Good afternoon. My name is Yomika Bennett, I'm the executive director of the New York Charter School Association, a nonprofit organization serving the statewide charter community, which includes more than 350 public charter schools serving more than 170,000 students and their families.

We strongly support removing the limit on the number of charter schools, so we were thrilled to see Governor Hochul's comments and proposal to remove the regional limit and to permanently authorize the reissuance of

charters.

But there is more work to be done. It's time for the state to fully support public charter school education in its policy, its practices, and funding decisions.

Increase per-pupil funding for charter schools to match district per-pupil levels, provide facility and transportation funding to charter schools, and allow charter school students equal access to funding and public programs and services, including many of the state-funded and authorized programs that are open to school districts but not to charter students, including My Brother's Keeper, P-TECH, student mental health support, school-based trauma mitigation, extended school day, violence prevention, Teacher Diversity Pipeline, pre-K, BOCES, and more.

All these programs exclude charter school students. It's harmful, and it's wrong. The state should not treat charter school students as second-class citizens.

Establish a $200 million Education Equity Fund to provide financial support to

people who open and operate charter schools. The state charter law gives the power to the people to start charter schools and change the trajectory of education and the future of many students, especially Black and brown students.

An important goal among many of the Education Equity Fund is to assist and encourage members of historically disadvantaged communities to start public charter schools. The state recently created the $200 million Social Equity Fund to assist members of historically disadvantaged communities to open retail cannabis shops. We urge similar support for the Education Equity Fund.

Finally, the public charter school community simply wants good public schools for all students. District schools, charter schools, we want the public education landscape to improve and to transform so good schools flourish and all kids have equal and free access to good schools.

Students carry the burden of missed

education throughout their lives, to their jobs, whether overworked and underpaid or unemployed, substandard housing, inadequate healthcare, and a front seat in the school-to-prison pipeline. More often than not, students from low-income communities and students of color are the ones who are relegated to failing schools. We want to end that now.

No more gaslighting families, telling them there's no such thing as family schools. No more school choice shaming for parents who just want the best for their child. No more stopping the promise of a child's future. This is about civil rights. We are here as equity warriors standing up for education equity. Children cannot afford for us to give up the fight for equal access to high-quality schools, so we will not.

Thank you for the opportunity to testify. I will answer any questions you have.

CHAIRWOMAN WEINSTEIN: Thank you.

MS. FRANKLIN: Good evening. My name

is Nakia Franklin. I'm the parent of a fourth-grader at Elmwood Village Charter School in Buffalo, New York, and I'm also the community association treasurer as well as the New York State Charter School Parent Council cochair.

We are told that access to the American dream begins with education, that education should be accessible, attainable, and equitable to all regardless of race, income, or zip code. I chose Elmwood Village because of the classrooms. Kindergarten through sixth grade have at least two teachers, many of them have three, with no more than 26 children in the room. Where could he get such personal interaction for free?

As great as this education has been, it has been hindered by politics and false narratives. The biggest one is that charter-school children are stealing from district children.

Many want to limit the number of educational choices, but what are we doing to

improve the district schools for our community? The district receives all of the funds for our students, but we don't have access to all the services.

My fourth-grader is an awesome Lego builder and awesome speaker and will probably be either sitting in one of your seats or an engineer, but because he doesn't have access to BOCES, he will not have the opportunity to try these careers out before he graduates from high school.

There is a huge transportation issue in Western New York. I transport my son to and from school because of the bus schedule. If he was to catch the bus, he would be in school 30 minutes before classroom instruction, missing out on valuable rest that he needs to function throughout the day.

If he was in a public school, sometimes they are on the bus stops longer than need be. And as you know, Friday we had below-freezing temperatures and the school was canceled. Fortunately his school had remote learning, so he still had instruction

that day. The district schools did not.

Diversity in education not only refers to our students and staff, but the types of school programs that are offered. As the parent of a neurodiverse child, I know that he would benefit from access to coding and engineering-focused programs.

Music, art, gym, and recess are all important to education. Band, chorus, sports, and clubs that enhance the school experience should be available to all students.

I am urging this body to allow charter schools to receive all of the per-pupil funding so they are able to properly transport, feed, and enhance the lives of our students. Parents deserve to have the options in the types of schools they educate their children in. Because education is limited to the district of your home address, there should be equitable options in all zip codes, not just those with the higher tax brackets.

Equitable funding is needed to level

the playing field for all the children in New York State.

Thank you for your time.

CHAIRWOMAN WEINSTEIN: Thank you.

Yes.

MR. MERRIMAN: Good evening.

James Merriman, head of the New York City Charter School Center. Thank you to the chairs and members for the opportunity to offer a few thoughts.

The Governor's proposals to, one, eliminate the geographic subcap while keeping the state cap at 460 and, two, to allow previously revoked charters to be reissued, are sound public policy. They deserve your strong support.

Contrary to some of the testimony today, there will be little if any fiscal impact on New York City DOE's budget in the near term -- and far, for that matter.

First, since charter school students are funded at a fraction of the amount that NYC DOE spends on its own students, New York City DOE is left with more money per pupil

when a student leaves for a charter than otherwise would be the case.

Moreover, to understand the actual impact of the next few years, you have to understand the likely rate of school openings: 105 schools will not open in 2023. In fact, the number that will open in 2023 as a result, if these proposals passed, is zero. And likely very few in 2024, for that matter.

From 1998 to 2023, only 275 charter schools have been opened in New York City, suggesting that at most we can expect probably well less than 10 schools to come online, at earliest in 2025. And likely the number per year in '25 and '26 will be much less given the difficulty of opening a new school and the time needed to bring a school online. That trend may continue.

Moreover, these schools will open with a single grade and few students. Thus, for example, the total impact is likely to end up at around $5 million in school year '24-'25, based on a total of five schools with a hundred students each.

As such, there will be no measurable effect and certainly no harmful one on the department that is being funded at historically high levels and where 100 percent of students get 100 percent of Fair Student Funding.

Also, I must point out that whereas the Governor proposes a 12 percent increase in Foundation Aid, charter school funding is slated to go up by 3.3 percent. If you actually crunch the numbers and count fairly, charter schools are a bargain for New York. They are not a drain.

I urge you to look at these proposals fairly and to take into account parent choice and parent need, especially for low-income parents.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We're going to go, for our first questioner, to Assemblywoman Hyndman.

ASSEMBLYWOMAN HYNDMAN: Two for two.

Thank you for waiting so late to speak

with us.

So, you know, you've heard all of the Big 5, and the common refrain is no more charter schools. They don't want the cap lifted. And your argument is that we are being unfair to our students. And you've heard one of my colleagues felt like they should only basically be in our neighborhoods.

What is your pushback on that? Because most of the charter schools are in Black and brown neighborhoods. And if it was always good for education, why isn't it in other neighborhoods?

And the second question is that most of the pushback is of the chain charter schools, especially for New York City and collocations. Not that parents don't want choice, because I have a school district where I have I believe five charter schools now, and four of them are in separate spaces, and they're flourishing. The ones where we have collocations are constant problems, where the principals call me because of

building management issues.

And the third thing is, you know, we have the chains, but we don't have a lot of the single charter schools that are run by underrepresented groups. And I think when the cap was lifted, we haven't talked about how do we make sure that when it comes to ownership, direction, supervision, that we're able to do that.

And if you could speak to any of those things in my one minute-and-change, I'd appreciate it. Thank you.

MS. BENNETT: All right, thank you. Thank you, Assemblymember, for those questions.

So listen, I'm going to say that I think there should be a charter school on every corner in every city of this state. I've said it before, I'll say it again.

I really want to stress -- right, folks, understand always, right, the history of education for Black folks in this country and in this state. There is a debt to be paid, I will say. There is an opportunity to

be taken here for leaders, people of color, particularly Black people, to start charter schools, period. To take up that mantle of educating, right, students of all colors, right, all students, all students of color, all races, all creeds, everything.

But there is an opportunity here, as my friends from Black would say and point out, particularly in New York City, right, only 8 percent of leaders of color are operating charter schools right now. The student population in New York City for charter schools, 91 percent.

And that's something that's known to everyone about charter schools. In every city, the majority of students are students of color. Right? So the idea that there should not be more charter schools for students of color in their communities, right, in communities of color, is outrageous to me. So that's my answer to the question.

And in terms of the network, again, going back to the idea of folks sort of claiming the mantle for claiming these

charters, it's an opportunity for people -- the charter law gives power to the people to start charter schools. So that's an opportunity.

Do I dislike, do I not support network charter schools, do I think that only Black and brown people and certain people of color should start charter schools, just so anyone will say that or if this comes up on somebody's Twitter? Absolutely not. I think everyone should do it. I absolutely don't think that when we say that we don't want charter schools, they don't belong, or they're taking money, we are absolutely, positively negating the existence of people of color in this state.

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Shelley Mayer.

SENATOR MAYER: Thank you. Thank you -- there we go. Thank you. Thank you all for being patient.

Mr. Merriman, I had a question. I

think we got information from SED that there are 12 -- I believe there are 12 charters that were issued in New York City already that were under the cap but have not opened.

Is that your understanding as well?

MR. MERRIMAN: It's something like that.

SENATOR MAYER: It's something like that.

MR. MERRIMAN: Whether it's 10, 11, 12 -- somewhere in there.

SENATOR MAYER: Okay. So from your perspective as someone who supports the Governor's proposal here, is it your belief that the more charter schools that open, that would be authorized if the Governor's proposal went through, that there's that much demand for all those additional charters?

What is your sense of the demand, from your perspective?

MR. MERRIMAN: So my sense of the demand is certainly we aren't -- you know, we're not immune from the demographic changes that --

SENATOR MAYER: I can't hear you.

MR. MERRIMAN: Sorry. We're not immune from the demographic changes in New York City. So the fact is -- and it goes exactly to the point of economic impact -- there aren't going to be that many charters that open. But if we want more charters led by Black and Hispanic leaders and leaders of color, then the only way that's going to happen is if we raise the cap. So that's one very important thing.

But I think people are going to look for where they have the ability to attract students to open new schools.

SENATOR MAYER: And just as a follow-up, do you have any views about communities within New York City that may have a particularly high saturation of charters currently, as opposed to communities, largely affluent communities, that have fewer charters?

As a supporter of expanding the number of charters, is it your -- do you have a view of which communities are appropriate?

Because some of our colleagues feel their communities are saturated.

MR. MERRIMAN: Well, I think the law has a view, not me. And the law says that there should be preference given to schools that operate and attract students who are low-income and have historically been disadvantaged. That's what the law provides, and that's why you see the charter sector that you see.

SENATOR MAYER: And lastly, is it your experience that getting a charter through SUNY is a preferred process than going through SED?

MR. MERRIMAN: I think it very much depends on the school, the group. I don't think there's a preference. But what I do know is that SUNY has been lauded as a quality authorizer by many groups.

So it's --

SENATOR MAYER: But do you -- do you recommend to those who come to you for advice that they go to SUNY for the chartering process?

MR. MERRIMAN: No, I just lay out what I think are the advantages and disadvantages of each group.

SENATOR MAYER: Thank you. Okay, thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly? No more Assembly.

We have plenty of Senate.

Senator John Liu.

SENATOR LIU: Thank you, Madam Chair.

Thank you, Ms. Bennett. Thank you, Ms. Franklin, for staying with us so long. A special thank you to Mr. Merriman. I love his name -- the guy always has a smile.

(Laughter.)

SENATOR LIU: And I'm not going to thank you for staying so long with us because you know the drill. Every year you do this, and you know you're going to be coming to testify in the evening hours.

MR. MERRIMAN: Yeah, that's the annual cross to bear.

SENATOR LIU: Yes. You know exactly what to expect.

You know, there are continuing and persistent concerns that charter schools just are not as accountable or as transparent. Is that all hogwash? Is there no basis in that? When the Commissioner of Education of the State of New York says that there's transparency issues, is she dead wrong?

MR. MERRIMAN: Yes.

SENATOR LIU: Okay. So you provide -- charter schools provide all the information that people in the public want with regard to how the funds are spent, with regard to where outside funds come from?

MR. MERRIMAN: I -- I urge you to look at both the law and the regulations that lay out what the annual report to the state requires.

SENATOR LIU: The law -- there are many of us sitting up here that believe that the law is inadequate. And in fact we have several different bills to address the inadequacies of the law. So we'll get to that.

I have another question for you, which

is do you think that people who oppose charters are just being spoon-fed by the teachers' union, and we're all just carrying their water and we have no basis or meritorious arguments other than the fact that the teachers' union doesn't like charter schools?

MR. MERRIMAN: That's an unfair question.

But the answer is I think the UFT is a very strong political force in this state. Think it and know it.

SENATOR LIU: And there are no strong political forces backing your organization and the charter school movement?

MR. MERRIMAN: Looking around, I don't think we're winning today.

SENATOR LIU: Well, I don't know. I mean, you know, it's hard to believe that these families that are supposedly benefiting from charter schools more than traditional public schools are fronting the millions of dollars of campaign contributions that go towards charter school supporters.

MS. BENNETT: Senator, if I could just --

(Overtalk.)

MR. MERRIMAN: Or that the low-income parents in public schools are making the campaign contributions of the UFT.

SENATOR LIU: Well, you know that's certainly not true.

Let me go to my last point, which is -- you know, you cite some numbers. I mean, the increase in Foundation Aid for New York City is not going to be 12 percent. You must know that. New York City's increase in Foundation Aid is actually going to be barely 2 percent in the increase. Right?

MR. MERRIMAN: Yes.

SENATOR LIU: Okay. So it's more like 2 percent, not 12 percent.

And the charter school reimbursement is going to go up 4.5 percent, not the 3.3 percent in your testimony.

MR. MERRIMAN: I can explain why. You're wrong, it's 3.3.

CHAIRWOMAN KRUEGER: Thank you.

SENATOR LIU: Maybe you'll explain it to the next Senator.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next is Senator Robert Jackson.

SENATOR JACKSON: Thank you.

Well, good evening, everyone. Thank you for hanging in there. I've noticed you've listened to a lot of questions.

I have a couple of questions, if you don't mind.

So this question is for Nakia Franklin, the president of the Charter Parent Council. My question is: What source of funding does your charter school where your son attends have outside of state funds, if any? If you know.

MS. FRANKLIN: I don't know. I don't know the answer to that question.

SENATOR JACKSON: Okay. Are you involved in the parents' association of that school?

MS. FRANKLIN: Yes.

SENATOR JACKSON: And I believe -- are

you an officer of that parent --

MS. FRANKLIN: I'm the treasurer. We receive -- we raise funds for our students to do things for the students, and enhance, you know, the livelihood of the staff. So we do things -- we raise funds to do things for the students.

SENATOR JACKSON: As a parents' association.

MS. FRANKLIN: Yes.

SENATOR JACKSON: Okay, I understand that.

So do you have any meetings with the administration to talk about where they get their funds from, whether or not they're statewide funds or local funds?

MS. FRANKLIN: We haven't had -- we haven't had those details, no.

SENATOR JACKSON: Okay. Okay.

And what about Ms. Yomika Bennett, the executive director of the Charter School Association? Do you know where the money's coming from, whether it's state, local, or billionaires and millionaires? Where is the

money coming from?

MS. BENNETT: Sure. So charter schools receive tuition, what they call tuition funding -- in the law it's called charter tuition, right? That charter school aid is set, there's a formula set in the law. It's based on what the district spent two years ago. It only does -- it only accounts for the district operating expenses. It doesn't include any other aids -- for example, Building Aid or Transportation Aid, which charter schools are not eligible for. So they don't receive any of that. After the fact, they don't receive any of that through the formula.

The charter school formula, the result that is produced, is lesser, right, it's lower than the amount per pupil that the district receives. Even though, in Foundation Aid, the charter school students are included in the calculation of Foundation Aid.

So when Foundation Aid is calculated, according to the formula, right, the formula

is that --

SENATOR JACKSON: Every child in the state, no matter who you are.

MS. BENNETT: Every child in the district. Every child in the district.

SENATOR JACKSON: You know I know that, right?

MS. BENNETT: Right, okay.

(Laughter.)

MS. BENNETT: So every child in the district is included in the Foundation Aid. But what comes back to the charter school student --

SENATOR JACKSON: I have another question, if you don't mind.

MS. BENNETT: -- by tuition is less than that. So they don't get the full credit for being counted in the first place.

SENATOR JACKSON: I don't need you to go into the details, I just asked if --

MS. BENNETT: But I will -- to your question, the result of that is --

SENATOR JACKSON: Well, the question is -- I have a question, so if you don't mind

answering my question --

MS. BENNETT: -- that they do have to rely on philanthropy.

SENATOR JACKSON: If you don't mind me asking my question.

MS. BENNETT: Yeah. Sure, sir.

SENATOR JACKSON: Do charter schools have the same population as public schools? I'm talking about English language learners, children with disabilities, special needs. Is that -- do you know if that is a fact?

Because I'm hearing also -- and I know that the amount of children with different abilities are not the same as public schools.

MS. BENNETT: So as you know, right -- could I answer that or --

SENATOR JACKSON: No, you can continue like would you continue with me.

MS. BENNETT: Okay. All right.

CHAIRWOMAN WEINSTEIN: No, no, no.

CHAIRWOMAN KRUEGER: Actually you can't.

(Laughter; overtalk.)

SENATOR JACKSON: I understand that.

I understand that. She was like insisting to going forward.

CHAIRWOMAN KRUEGER: You can get back to him.

MS. BENNETT: Well, usually you let her answer.

SENATOR JACKSON: That's okay. Go ahead.

CHAIRWOMAN KRUEGER: I'm sorry.

MS. BENNETT: No problem.

CHAIRWOMAN KRUEGER: We're going on to Senator --

CHAIRWOMAN WEINSTEIN: No, no. We have an Assembly --

CHAIRWOMAN KRUEGER: Oh, I'm sorry, I didn't realize.

CHAIRWOMAN WEINSTEIN: Yes. Assemblywoman Peoples-Stokes.

ASSEMBLYWOMAN PEOPLES-STOKES: Thank you, Madam Chair. And thank the presenters for being here today.

I would say that, you know, charter schools are a choice. This is about a choice. And I quite frankly -- just for full

disclosure, there has not been a kid in my family, including one now that's in the third grade, that didn't go to a charter school and graduate from a charter school. That's because their parents, including myself, made that choice.

Now, I won't say that there are not some good, very good public schools in Buffalo. There are. But there are some horrible ones as well. And they are allowed to continue. And they're allowed to be -- everybody still gets paid, everything is going along just fine. But there are children coming out of them who are not quite prepared.

Now, I will be honest, I do think that the resources that charter schools distract from traditional publics are impactful. And they do hurt those kids that are left, whose parents don't make that choice to move them to another school. It impacts them.

And so I think that the funding should be separated. And so I have carried a bill in the past, and I'm going to keep carrying

it until we make this happen. It's a choice. People should have that choice. And we should not take it away from them because some people don't think it should be there. I think we should keep it in place.

And by the way, there have been charters in my district who did not meet their contractual requirements for five years, and they came to me with all sort of excuses on why they should be able to continue. No, you shouldn't. You agreed to do this, and if this commitment in five years, you didn't do it, so you're out.

If only we could do that for some traditional publics. Because there are some traditional publics who do not produce a good student population.

And I support both. I think both have a place. But I think the funding stream should be separated. I'm going to continue working on that, and I think that should be the direction that we all go. It's an opportunity for a choice. Everybody should have a choice.

CHAIRWOMAN KRUEGER: Please don't make noise in the audience.

CHAIRWOMAN WEINSTEIN: Senate. Yes.

CHAIRWOMAN KRUEGER: Thank you.

Now Senator Iwen Chu.

SENATOR CHU: Thank you, Madam Chair.

I'll come back to you, Ms. Bennett.

First I would like to ask James, see if you can help me understand. Do you have any percentage number to show the New York City students enrolled in charter school system, what's their percentage for their math and ELA to meet the proficiency rate?

MR. MERRIMAN: You know, I should know it, and I don't. We will get that for you.

And if you ask Yomika her question, I'll look it up right now.

SENATOR CHU: Sure. Then let me go back to Ms. Bennett.

Just -- I would like to have the same question like Senator Robert Jackson had. Do you have any percentage to address our special needs kids in your -- statewide?

MS. BENNETT: I don't have the

percentages. I will try to get that back to you.

I will say that parents -- this is a choice, so the families choose charter schools. It's not the other way around. You have to register for a charter school. If you're over -- if there's more registration requests than there are seats available, it's up to a lottery, and that lottery needs to be random and it needs to be, you know, sort of open and monitored.

You cannot decide you're going to take this student over this student. And in fact, in the law there is an order of preference. First the district students have to be preferenced, right, and, you know, so -- they're -- you're nodding, so you could get.

SENATOR CHU: Yes.

MS. BENNETT: So charter schools can't choose their students. I've not met a charter school leader that said, Boy, I really would like to choose my students.

They welcome all the students who come in the door because they understand they are

public schools and they are dedicated to the education of students.

SENATOR CHU: Thank you. I just would like to share my personal experience.

My daughter right now is in high school, but since she was in first grade, every year I receive enrollment welcome letters from different charter schools, which I did not apply. So it's more than just an application system, I believe.

And, James, do you have the answer?

MR. MERRIMAN: So you asked about just ELA and math proficiency?

SENATOR CHU: Yes.

MR. MERRIMAN: It's about 63 percent, compared to 45 percent for the district overall.

And then ELA, it's -- I've got to add two numbers -- 57 percent versus 47 percent in ELA.

In terms of special ed you asked about, in New York City basically we have almost the same numbers, percentagewise, of special education students that the district

does. ELL, there's still a bit of a gap, but it's risen by 39 percent in the last two years. And that's because over 101 students have a preference for ELLs in their lottery.

SENATOR CHU: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And now to close, Senator Jabari Brisport.

SENATOR BRISPORT: (Mic off.) Thank you, Madam Chair.

And thank you all, panelists, for being here tonight.

I'll start with Ms. Bennett. I know you said you'd never met a principal at a charter school who wanted to choose their students. I invite you to come to --

CHAIRWOMAN WEINSTEIN: Is your light on, Jabari?

CHAIRWOMAN KRUEGER: Is your light on, Jabari? Make sure you can hear, we can hear.

SENATOR BRISPORT: That's not working.

CHAIRWOMAN KRUEGER: Grab another one near you.

SENATOR BRISPORT: Is it? Testing,

testing. Can you hear me now?

CHAIRWOMAN KRUEGER: Yup, that's it.

Start again.

SENATOR BRISPORT: Start my clock again?

CHAIRWOMAN KRUEGER: Thank you.

SENATOR BRISPORT: Well, I'll just repeat it for the mic. But Ms. Bennett, I heard you say earlier you've never met a charter school principal who wanted to choose their students. So I invite you to tour Success Academy-Fort Greene in my district, which maintained a got-to-go list of students they wanted to kick out.

But my question is for the entire panel. It's about funding. Do any of you know, in total, New York charter schools, how much they hold in cash reserves?

MR. MERRIMAN: I don't.

SENATOR BRISPORT: Okay. I saw a report from a few years ago saying that there were hundreds of millions of dollars in cash reserves for --

MS. BENNETT: I do know that charter

schools do need philanthropy to run their schools, to build their schools, to maintain their schools, because they do not receive enough money through school aid, charter aid, to do that.

So while I don't know what their reserves are or if they have reserves, I know that they do need money and rely on philanthropy for that.

SENATOR BRISPORT: Okay. Well, the reason I bring up that question is because traditional public schools are limited to an unrestricted fund balance of no more than 4 percent of their budgets.

And you spoke a lot in your testimonies about equality between traditional public schools and charter schools. Would you support if charter schools were also restricted in their cash reserves to no more than 4 percent of their budget?

MS. BENNETT: Right now in the state, the state spends $76 billion on education. Right? There are 2.1 million students.

That's about $38,000 per student. I'm guessing that the district schools, in terms of the reserves, right, have much more money in the bank in the first place, receive much more money if it's $38,000 per. And charter schools, I think the highest per-pupil tuition in the state is downstate on Long Island, about $22,000. New York City is about $17,000. And upstate you see numbers about $10,000 per student.

SENATOR BRISPORT: Do you think it's fair that the public schools can be restricted in their separate funding while charter schools can receive unlimited funding, tens of millions of dollars, from private-sector actors like Michael Bloomberg, with the goal of privatizing education?

MS. BENNETT: As I said, right now there's $76 billion spent in the state. There's 700 school districts. There's only 350 charter schools. Right? So charter schools already start out as the smallest sector receiving the least amount of funds. Right?

In terms of whether or not they have reserves, that's a decision that was made by the Legislature a long time ago. And those factors that went into that decision are probably things that we don't have time to talk about, I certainly don't know about, and would love to be able to see what are those factors that made the state or required the state to make that decision all those many years ago.

SENATOR BRISPORT: Thank you.

And my last question is about saturation. I represent around 20 to 30 charter schools, around 10 percent of New York City's population. My question is -- and I have parts of my district where the ratio between public schools and charter schools is nearly one-to-one, parts of Bed-Stuy.

My question is, you know, you speak a lot about charter schools performing -- public schools are, you know, having better education. Why is it that richer, whiter communities are not clamoring for them, then?

MS. BENNETT: I think part of that's the law. And I think part of that is -- could be the toxic nature of the narrative around charters all these years.

I just entered the charter community about three years ago, working at the association. I was shocked, disappointed, dismayed at this us-versus-them mentality over this, of the idea that there was some -- something wrong with the students, that sort of left behind -- all this stuff about charters stealing money and the kids -- what about the kids left behind.

There are none left behind. No one's broken. Everybody in this together --

CHAIRWOMAN KRUEGER: I'm sorry, I do have to cut this off. You're more than welcome to follow up with the Senator afterward. Thank you.

The Senate is closed. So to speak.

CHAIRWOMAN WEINSTEIN: So thank you for being here and for staying with us throughout all this long day.

MR. MERRIMAN: Thank you.

MS. BENNETT: Thank you for the time.

CHAIRWOMAN WEINSTEIN: Next we have Panel H: New York State Nutrition Association, Healthy School Meals for All New York City Kids Coalition, and the senior school lunch director from the Niskayuna Central School District.

And the remaining Panel I, if you're part of -- if you're a speaker signed up to be a witness in the final panel, please make your way down to the front of the hearing room. Thank you.

So please begin. Remember, three minutes. Wait, before they begin, put the clock at three minutes.

So remember, the remaining folks, your testimony has been distributed to all of the members. Please don't read it. And keep an eye on the clock. Thank you.

MR. KENNEALLY: I'd like to thank everyone for the opportunity to speak today. My name is Patrick Kenneally. I am a chef and school lunch director.

And if, years ago when I was in

culinary school, you told me I'd be giving testimony at a joint legislative hearing, I would have thought you were crazy. But the work of the school lunch professionals is some of the most rewarding work I've been doing.

So I'm here today to represent the New York State School Nutrition Association. We're an association of about 3500 members across the state, with the goal of ensuring that all students have access to healthy breakfast and lunch and reducing food insecurity in our schools.

So the issue we are facing is that with the ending of federal pandemic waivers, numerous schools lost the ability to offer free meals to students. That has created an increasing student debt issue in our school districts. New York State has an anti-meal shaming policy, so we never refuse a meal to a student, and they're allowed to charge a reimbursable meal. But at the end of that school year, if there is debt, the school district itself has to fully fund that in our

school lunch program.

It is creating issues across the state. One of the school districts I represent is a small rural school -- with an enrollment of 880 students, we're looking at $18,000 in student debt this year that the school will have to cover the cost.

We have issues with our free and reduced income level as it stands. A family of four making $51,400 does not receive free meals in schools -- and that's not even a living wage. So those families are forced to decide do they put food in their refrigerator at home, do they fill their gas tanks to get to work, or do they pay their school lunch bills.

We also have enormous stigma attached to the free and reduced meal policy. There's also stigma attached to the SNAP outreach for families. It is an extremely big issue in rural districts, where they're very proud working people. So by not filling out the free and reduced lunch application, they don't qualify for free meals potentially in

school. By not filling out SNAP information, the district does not get any information that could go toward them becoming a CEP district and providing free meals in the whole district.

We also have an issue where there are districts that do qualify for the Community Eligibility Provision but they don't meet that magic 62.5 percent ISP number, so they're federally reduced at an extremely low rate which makes it not financially feasible for the district to provide the free meals.

A universal meal program in New York State would alleviate all of this. It would create an equal playing field in our cafeterias for all students. It is my opinion as a chef, the cafeteria should be the funnest place in a school building. It's a place where kids can work with -- they can meet with their friends, relax, and enjoy a meal.

MS. PINO-GOODSPEED: Thank you, Chairs Weinstein, Krueger, and committee members for the opportunity to testify before you today.

My name is Jessica Pino-Goodspeed. I am testifying today on behalf of the Healthy School Meals for All New York State Kids Coalition. We represent over 250 anti-hunger, education, health, agriculture, labor, equity-focused organizations across New York State who have come together to advocate for New York State to establish and fund a permanent, statewide, free school meals program.

As you've heard today many times, throughout the pandemic federal waivers allowed schools to offer free meals to all their children. That federal funding expired at the start of the school year and has had devastating impacts on students, families, and schools across the state. Most immediately, 726,000 kids across New York lost access to free school meals.

This was amid inflation driving grocery store prices to historic highs, and has really hit families and schools especially hard. About 2,000 schools in New York reverted back to needs-testing

children for free school meals, leaving far too many children behind, including, like Patrick said, families who are earning less than a living wage but still not qualifying for free school meals. Even children who qualify for free school meals opt out of the program when that's tied to income and it's perceived as only for those low-income kids.

Rural schools and suburban schools were hit especially hard by this loss as well. They're disproportionately impacted. Their urban counterparts are able to leverage federal provisions that allow them to offer free meals, but these smaller suburban schools and rural schools are left behind.

New York can level the playing field, and we know what works. We were able to pilot a statewide universal policy through federal funding throughout the pandemic. The results were clear. Hunger declined, former students ate breakfast and lunch at schools, supporting their learning and development, families benefited by grocery store savings amid rising food costs, schools no longer had

to use valuable resources to address unpaid school meal debt.

A robust body of research underscores how important school meals are. When children eat school meals, it improves their attendance, it reduces tardiness, improves test scores in spelling, reading and math. It also supports students' physical and mental health. These benefits make clear that hunger not only puts children at a disadvantage, it undermines investments in education, including the state's historic Foundation Aid funding.

So while this funding is critical, it is separate from school meal budgets. And New York schools need both investments in order to support student success.

We urge the Legislature to adopt this proposal in its final budget to expand free meals to over 726,000 kids across New York and level the playing field for the remaining 2,000 schools unable to offer free meals to all their students.

We strongly believe that, like

textbooks and transportation, school meals should be an inherent part of their education in New York. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Yes.

MS. BATES: Good evening, and thank you, chairs and committee members, for allowing me to testify.

My name is Megan Bates, and I'm here today testifying as a school lunch director for your support of healthy school meals for all.

I wrote my testimony not only as a school lunch director, but also as a parent. It wasn't that long ago that I was a single mom having to decide whether bills got paid or gas was in the car. I can't imagine what it would feel like now, having to chase meal debt in support of school meals.

It breaks my heart to have to call these parents and families and chase meal debt day after day, calling and calling. It also breaks my heart to run a program that I can't reinvest in because I don't have the

funds to do so.

I'm not sure if you're aware, but the last time that the state changed the reimbursement rate for school meals was back in 2007, and they actually decreased the funding for free and paid students. I'm also not sure if you're aware, but as a mom -- and I do the grocery shopping in our house -- that the cost of groceries has gone up 11.8 percent since December of 2021. That means that we're not increasing the funding for our programs, but the cost of food and labor and supplies is going through the roof for us.

As school meal programs, we just can't survive. We're asking for your support, please, to provide these meals for our students so that they can learn. We have spent our entire day here, since 9:30 this morning, talking about education and how kids need to learn, what tools can we give them to learn, how can we increase libraries, technologies, school buses.

None of that matters if they're hungry

when they get to school. If they are hungry, they can't learn, they're not taking anything in. So please, I am begging you to support healthy school meals for all students in New York State.

CHAIRWOMAN WEINSTEIN: I think you kind of said it all on these for the Assemblymembers.

Senator Mayer, I believe.

CHAIRWOMAN KRUEGER: Senator Mayer.

SENATOR MAYER: (Inaudible; mic off.)

But one, you know, thank you for being here to advocate on this most important issue. I'm sure all of us support this concept.

Just getting into the details to the question I asked earlier, if the school district is eligible for community eligibility, gets rid of this FRPL, filling out a form properly -- which we all acknowledge is a problem -- why aren't they participating? Can you explain?

And what can we do to facilitate that so that part of this cost is borne by the

federal government?

MS. PINO-GOODSPEED: That's a great question.

So we're lucky to have such passionate school nutrition directors. I'm honored to be with them today. Almost 92 percent of eligible schools are participating in the Community Eligibility Provision. Throughout the pandemic we saw 100 schools additionally come on, even while they were getting that federal reimbursement.

So really we're at about 300 schools statewide that remain eligible for community eligibility, but at far too low of a rate where they can make that sustainable in their school districts.

Rural schools especially in New York are adopting community eligibility at very low costs -- local districts like Saratoga City Schools, not necessarily a rural school, who is taking COVID funding and making those programs whole. So schools are trying to really be creative with very limited funds to make it happen.

But the remaining CEP schools that are eligible and not participating are those who need to come up with those local dollars.

SENATOR MAYER: Just what is the percentage that the community's eligibility covers compared to what is not covered? You're saying the district basically can't afford to cover their share.

MS. PINO-GOODSPEED: So a school is eligible at 40 percent ISP. So those are students that are automatically qualified for free school meals.

SENATOR MAYER: Right.

MS. PINO-GOODSPEED: And the 62.5 percent is the percentage where they get full reimbursement. So that's the range there.

It's difficult to say at what exact cost where a school can be made whole, because costs vary throughout the state so much per plate. So it's -- it's hard to say what that magic number is.

SENATOR MAYER: I understand. But if your school has 45 percent eligible and so

you're getting a lesser reimbursement rate, is it 50 percent of the cost of the food or -- approximately?

MS. PINO-GOODSPEED: Approximately. So it's a federal factor of 1.6.

SENATOR MAYER: Okay.

MS. PINO-GOODSPEED: So it's that 40 percent times 1.6, is that --

SENATOR MAYER: Okay. So in those schools that are eligible for this federal money and they elect not to spend money on it because they don't have it, or whatever -- notwithstanding that we've given every district additional money -- is there anything we can do to incentivize to make up that balance there, as opposed to having the state fully fund a portion of it, or all of it, when some of it can be borne by the federal government?

MS. PINO-GOODSPEED: So a part of this policy is making -- is fully leveraging the Community Eligibility Provision. So it would add that cost by adding a state supplement for that.

SENATOR MAYER: Okay. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Hi. Thank you so much for your testimony.

You know, a few years ago we passed a bill that prohibited lunch shaming. And you're talking a lot about the shame that people feel about the need for meals. I'm assuming everybody knows that they're -- you're not allowed to shame students about lunch and you're not allowed to sue parents if you're not getting that fee.

So what do you see as things that we can change? Is it just about giving the schools more money to participate more fully? I mean, I'm not sure how -- what we can do to fix it.

You know, the problem with legislation -- you can pass a law, it doesn't mean people follow it. Right? So what can we do to help with this? Because I'm very frustrated by the situation, I assume my colleagues are as well, and we did try to fix

this.

So, any ideas? Speak frankly.

MS. BATES: So it's a very tricky question. And unfortunately, you know, it really does come down to funding. We can't -- you know, if -- without the funding, I can't do Farm-to-School. I can't get staff. I mean, I'm struggling as a director to get staff in. I went to a neighboring district today to help, because they didn't -- I spent my day cooking today because they didn't have a cook. It wasn't my district, but I love what I do, so I headed down there.

It really comes down to funding for us, unfortunately. You know, we spend a lot of time with State Ed and Child Nutrition and trying to come up with creative ideas, and they've been phenomenal in giving us programs for training for our staff. But if I can't get staff in the door because I can't afford to pay them a wage that's near my other districts, you know, it just doesn't make it work, unfortunately.

MS. PINO-GOODSPEED: And I can add, you know, I'm also a mother of a second-grader. And although it is not in compliance with the law, she is told when she has a low balance on her account. So while it's -- it is an imperfect system where we have certain families that need to allocate funds in order to do that.

Also, with school breakfast, it presents a specific challenge too. Many rural schools keep their kids on buses. So if you want to get breakfast, you can get off that bus and eat breakfast. But especially as kids get older, we see participation decline when that stigma and awareness is heightened. And so kids have to overtly identify themselves and get off that school bus to access that meal.

So as kids get older, they choose to socialize instead of really putting themselves out there.

So it is an imperfect system. We know that through community eligibility. We've seen that over 10 school years now roll out,

and we've seen schools change the culture around school meals and really end that connection to income for that family, and so really disconnecting who should have meals.

ASSEMBLYWOMAN SIMON: Okay. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate?

CHAIRWOMAN KRUEGER: Senator Tedisco.

SENATOR TEDISCO: Thank you very much.

And thank you all for hanging in here and staying the course, and for your advocacy for nutrition and dietary care.

Now, Megan, the one thing I don't understand here is you come from the place where all good things emanate from. I can't understand why this group wasn't in the first two tiers, because you come from the greatest Senate district in the State of New York, the 44th Senatorial District. Now, that happens to be my senatorial district.

(Laughter.)

SENATOR TEDISCO: And I think we have to do this in reverse next time.

But I want to seriously thank you for the hard work you provide -- the advocacy for this important issue, the tremendous educational product that comes out of the community, the Niskayuna community -- and let you know, but you probably already know this, nobody knows better the impact of the inability to do the job as an educator than an educator themselves when they are trying to teach a kid whose stomach, a girl or boy, is grumbling and you know they haven't had that breakfast, you know they're probably not going to get a lunch.

We're spending billions of dollars for the most important part of the future of our kids. They're our future. Their education is their future. They can't receive it, they can't concentrate on it if they have dietary concerns and needs and hunger. I mean, you don't have to sell that, I don't think, to anybody on this dais, Senate or Assembly person.

Some way, somehow, we have to make sure that they get their meals in New York

State. We're going to be severely derelict in our duty. If it's federal and state money, whatever it is, that's an important product. We shouldn't be investing billions of dollars in our educational system for the future of our kids if they don't have the ability to concentrate and learn, many of them.

So thank you for the message you give us, and I think we have an obligation to work hard to make that happen. And I want to ask you one last question. What do you think of chocolate milk?

MS. BATES: As a mom? I like it because my kid likes it.

(Laughter.)

MS. BATES: But on a serious note, you know, having chocolate milk in schools -- the kids are drinking milk. Yes, it's flavored, and yes, there's a little bit of sugar in it, but they're drinking it.

SENATOR TEDISCO: That's it.

MS. BATE: I can't tell you how many kids would bypass it if it was just white.

SENATOR TEDISCO: We had Commissioner Ball at one of the elementary schools in Niskayuna, I forget which one it was, but they had chocolate milk there, and he's very supportive of that, of having chocolate milk.

In fact, he pointed out that a lot of athletes, after they work out, they take a good shot of chocolate milk and it brings their muscles back together. So not too much, not over the top, but I think it's okay. Thank you.

MS. BATES: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

I think I'm the last senator. Oh, no, Robert Jackson got there first.

Senator Robert Jackson.

SENATOR JACKSON: The second-best senatorial district, the 44th.

I need to thank you because you've been here since 9:30. And I've been here since a little bit earlier than that, but not too much. And I say this, you're in it for the long haul, because what you're doing, you're working for the people, to try to make

sure they have enough food to eat.

I know what it is to wake up Saturday in New York City and my building didn't have heat and hot water and it was 4 degrees. Your body is not the same. And if children don't have food, they're going to eat candy and junk as much as possible, because to them that food at least is getting in their stomach.

So whatever Jim has to do to make sure that the money's in the budget --

SENATOR TEDISCO: Pick his pockets.

SENATOR JACKSON: -- he's going to fight like hell.

But no, I wanted to thank you for staying for the long haul. But you're not the last panel. The last panel is next. So they deserve all the praise like you.

I wanted to say that to you because it's not easy when you're asking, you know, legislators that have been tired all day and all this: Don't forget the school lunch programs so that everybody can have food to eat.

I looked up online what is the average salary for your city, and it said about $68,000, something like that. And I'm saying to myself, then why is it so difficult to get the people to fill out the forms so you can get reimbursed for the money? And so that's something that we have to somehow get, you know, and make sure that they do that, how important it is. Because then, you know, we won't have to find the money elsewhere in the budget, we don't have to cut certain places to pay that money so that everyone can eat.

Jim is going to work on it, and I support him.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Manktelow.

ASSEMBLYMAN MANKTELOW: Thank you, Chairwoman.

Just an odd question, maybe, about nutrition. I know I have grandchildren in school that I go to have lunch with them. They love chocolate milk. Absolutely, I

agree with you, Megan, that if there's chocolate milk there, whole chocolate milk, they're going to drink it. Absolutely.

But one of the things that I see is a lot of the food that's served ends up in the trash can. It's not a pretty meal sometimes. What can we do to -- to spice it up? You know, how McDonald's and fast food people, they always are spicing up the food. What can we do to spice up the nutrition part of it so that children want to eat it all, or a good portion of it, and make it sound or look like it's something that's totally beneficial?

And I know as a child I didn't eat everything on my plate, for sure. But 100 percent we have to make sure these children are fed. But if we serve them food and they're only eating one-third of it, we're wasting two-thirds of it, so we're wasting two-thirds of the money.

And what can we do to spruce it up, maybe cut costs a little bit where they're getting a nutritional meal with a spin on it,

and -- and maybe this isn't -- we can't answer that all today, but just something to think about. And just your thoughts on that.

MR. KENNEALLY: That's one of the reasons that, you know, I came into this sector as a chef, was I saw my kids not participating. So I kind of, you know, wanted to jump in.

You know, historically school nutrition is kind of a heat-and-serve. But across New York, we're coming up with scratch recipes to increase like cooking real New York products. But we run into the issue like with defunding. I'd love to be cooking scratch food in all my schools, but I have so much time I have to spend in the office calling families.

I'm a shared director between four different school districts. So one of my school districts, I'm only there one day a week. I spend that day printing out debt letters and calling families when I could be in the kitchen teaching new cooking techniques to my staff. You know, working on

relationships with New York State vendors, increasing our Farm-to-School program. But unfortunately, because we only -- we have such an administrative burden that we can't focus on the plate presentation.

But what we are doing is looking at, you know, not opening No. 10 cans of canned fruit -- using real fruit, so the kids want to eat it. If you are using a prepared item, it's sealed, so the student can take it home with them, so it's not just wasted in the garbage can.

ASSEMBLYMAN MANKTELOW: Anything else?

MS. BATES: I think Patrick spoke wonderfully to that.

And, you know, it's also about creating relationships with directors and, you know, being able to share ideas. And that's -- you know, Patrick and I are both part of New York School Nutrition, and it's -- you know, I'm always happy to meet with other directors and share with them this is what I'm doing.

The kids at Niskayuna were treated to

Tara Kitchen the other day. We were able to partner with them and bring that in, which was phenomenal. And it's, you know, sharing those stories. And if we're not in our offices, as Patrick said, chasing debt, we can do more of that.

ASSEMBLYMAN MANKTELOW: Thank you all.

CHAIRWOMAN KRUEGER: Thank you.

Okay, just --I'm closing for the Senate. I agree with everything everyone said. And Jim Tedisco and I have not had that many days like that in our lives.

(Laughter.)

CHAIRWOMAN KRUEGER: Just saying.

We should absolutely do universal --

CHAIRWOMAN WEINSTEIN: What also about that being the best Senate district?

(Laughter.)

CHAIRWOMAN KRUEGER: Oh, yeah. Well, okay, I'm not touching that.

Although I will highlight what you all know, and I just want to make sure everybody else knows, we have universal school meals in the Big 5 and New York City. This is a

critical issue for the rest of the state, particularly poor, rural school districts.

And so when the question was, well, couldn't you do it without the money, the answer is no, I don't believe they could. And we need to make sure that we are investing in our kids. Because you're absolutely right, and everybody who spoke is absolutely right: When you feed children nutritious food, they grow up healthier, they learn better, they don't create behavioral problems in school, they save us money with special ed needs. It's a win-win-win.

Oh, not to mention we buy more food from New York State farmers, who also need the help. And we create jobs for school food workers. So there's just no argument for this.

So thank you very much for being here. I don't have any questions. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you for being here with us and for the work you do on your limited -- with your limited resources.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: So we are ready for the final panel. Sorry, somebody has to be last. Center for Educational Equity at Teachers College, Columbia University; Alliance for Quality Education, YAFFED, Solutions not Suspensions Coalition, National Parents Union; and an individual parent, Nikos Papageorgiou.

MR. REBELL: Good evening. I'm Michael Rebell, and as some of you at least know, I was counsel for the plaintiffs in the CFE litigation, which I must mark 2023 as a milestone. It is 30 years since my friend Robert Jackson and I filed the papers on the CFE case, which led to the Foundation Aid formula, and we're pleased as punch that this is the year that we are finally going to have that paid out.

And I owe all of you a debt of gratitude, because that formula was supposed to be paid out in 2011, and we had previous legislators, we had previous governors who did not honor that commitment.

And I was also counsel for plaintiffs in the NYSER case that we settled two-and-a-half years ago, on the stipulation that the Legislature and the Governor would pay out that money in three years. And you've kept your word, and I know you'll keep it in April. So thank you for that.

But my big concern at this point is what comes next. What happens in 2024? We've heard all kinds of testimony today about problems with the current Foundation formula.

Let me tell you, ladies and gentlemen, that formula is totally out of date. It was conceived -- it was written in 2006. We still count kids -- poverty kids are based on the 2000 Census because it's written into the Foundation Aid formula. We have regional cost allocations that are based on calculations done in 2006. We have a formula that takes no account for homeless kids, that we've got 10 percent in New York City. We were unaware of that in 2006. It does not take into account all of the experience of

the pandemic. It doesn't take into account all kinds of changes in education policy and mandates.

What do we need now? We need a very thorough, zero-based reanalysis of what are the current needs and how can they be met. How can all the priorities you've been hearing today be reconciled? What should be the biggest priorities? And I submit to you that that is a very difficult job.

First of all, it's legally required, because the Court of Appeals made clear in the CFE case that the Legislature and the Governor have to calculate on an ongoing basis what is the actual cost of providing a sound, basic education. That was done in 2006 and 2007. It hasn't been done for 17 years.

And I'm asking you, please, we need to set up a mechanism that's going to do it thoroughly, that's going to do it right in 2023.

Now, the mechanism that we are proposing is a permanent standing commission.

And I submitted a 25-page report; it gives you a lot of detail about what we're proposing for that. We don't have time to get into the detail, but the bottom line is it needs to be permanent. And it needs to be well-staffed, because it's got to keep up with changes so we don't go 17 years with an out-of-date formula.

And I'll be happy to answer questions about what's involved in it. Assemblyman O'Donnell is going to be introducing a bill on this in the Assembly. We're hoping to have a companion bill in the Senate soon.

And I implore you to please make this a matter of priority, even before April 1st. It's going to take more than a year. We have to set up a body that can really do this job and do it right.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

MS. GRIPPER: Good evening, everyone.

I'm Jasmine Gripper, the executive director of the Alliance for Quality

Education. And this is the first time that AQE is proud to be here and say thank you for fully funding the Foundation Aid formula.

This has been a long, hard fight, but I really do want to thank the Legislature for being with us for a really long time. Many of you have been a part of the Foundation Aid fight even before you came into the State Legislature. We really thank you for partnering with parents, community members, and advocates to make this a reality and make this robust investment in our public schools. So thank you.

I want to say I agree with Mike Rebell, it's time to fix and update the Foundation Aid formula. It is essential. We heard from the Big 5; there are so many ongoing problems.

Yonkers mentioned what they did with their federal money, they added staffing. And one of the things that the Yonkers superintendent said that was really compelling, those positions should have never been vacant. We're talking about high-needs

districts that went without counselors, that went without social workers, that did not have music or art in their schools for decades when we were underfunding the formula. And now districts are staffing up and they're actually meeting the needs of their students.

I know one person asked earlier, well, what's the difference between Rochester and Yonkers and the outcomes that we're seeing? Rochester has had a fiscal monitor that has advised them not to spend on ongoing permanent funding with their one-time ARPA funds, where Yonkers went ahead and took the risk and said, We're going to invest in our students and do what they need and hope that the federal and state government will come to the rescue and pick up the tab for ongoing years.

And so I think that's the difference in the approach that was taken. And we see that districts who took a really aggressive approach are seeing the outcomes to support that.

And so we need a robust investment in our schools. We need to continue to fund Foundation Aid. But we have to address the formula. We're not going to be able to fix it with tweaks. We have to do a new costing-out study. We fully support the New York State Education Department leading this and bringing stakeholders together to revise the formula.

There are a few things I want to say about charters. One, someone here mentioned the school-to-prison pipeline -- which I thought was interesting because, when New York City did a report of 50 schools with the highest suspension rate, 49 of them were charters.

Another thing that charters mentioned was racial justice and equity. And I think the part that really offended me was for the decades that AQE and Black and brown parents were fighting for resources, charter schools did not lift a finger, did not leverage any of their resources, did not come to Albany, and did not advocate on behalf of

Foundation Aid funding for Black and brown students and Black and brown communities. Yet they are benefiting from the full funding of Foundation Aid.

And so they stated that they care about all students. I think it's absolutely untrue. But what they have been doing for decades -- and they never supported the fight to fully fund Foundation Aid for our schools.

And when they talked about the financial impact, I think one thing I want to point out: That last year New York City schools received $348 million in Foundation Aid. The New York City increase for charter schools was $200 million. So that means about 57 percent of Foundation Aid went to charter schools, and charter schools have 14 percent of the student population. That is a disproportionate increase, and we must reject that.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

YAFFED?

MS. WISDOM: Yes, that's me.

Good evening, and thank you so much to the chairs and committee members and your staff for staying with us this late into the evening. I'm here on behalf of YAFFED, an organization that was started 12 years ago by a graduate of a Hasidic yeshiva in Brooklyn when he and some of his classmates learned that there was a law on the books for over 100 years, 3204, that required that nonpublic school students receive an education that is at least substantially equivalent to those that their -- to that that their public school peers get.

We know that that is not the case. It has been demonstrated widely. It has been reported on broadly, as discussed earlier in this hearing. And we're concerned that there is currently no check in place, when nonpublic schools are getting state aid, to ensure that they are in compliance with Law 3204.

We're very pleased that there's a new regulatory process underway that the Regents voted unanimously in September on these new

regulations governing nonpublic schools. That regulatory process will take two years to unfold.

So we know tens of thousands of students are in these yeshivas right now. Not all of them are guilty of not providing a secular education, but those that are have students in them right now, and we are giving them funding from the state with no evidence that they're providing a secular education at all.

So in the meantime, we're suggesting that there is an attestation put into place that any nonpublic school receiving state aid simply checks a box to say that they declare they're offering a substantially equivalent education.

As you heard, we don't know of any plans in these schools right now to remediate. All we know is that we'll be collecting data at the local -- at the LSA level over the next year, and they will need to be putting in place a process in two years.

But we're hopeful that now, before any aid goes to these schools, you're willing to ask them are they in compliance with the law.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Solutions Not Suspensions Coalition?

MS. JAYARAM: Thank you. Can you all hear me?

Good evening, everyone. My name is Amshula Jayaram. I'm here today as a member of the Solutions Not Suspensions Coalition. We are calling for passage of the Solutions Not Suspensions Act, now in its eighth legislative cycle, which would great reduce the discriminatory overuse of suspensions in schools.

This bill -- and I'll keep coming back to this -- aligns directly with the recommendations of the New York State Education Department's Safe and Supportive Schools Task Force report. There is almost a one-to-one -- and I have a handout here if you all want to take a look. The members of

the task force included the New York City DOE, individual school districts across the state, the New York State United Teachers Association, representatives from the executive and legislative branches, mental health experts, and education justice advocates.

At its core, this bill is about protecting our most vulnerable and marginalized children from excessive punishment and learning loss, which will impact them for a lifetime. According to our analysis, young people in grades pre-K through 12 lost 913,811 days in this past year to suspensions. Those are the lost days of instruction.

An average of 766 students are suspended everyday in New York State schools. In Buffalo, where the AG is currently conducting an investigation into the discriminatory overuse of suspensions, there were 200 suspensions in just the first 17 days of the current school year. And it is no secret that those directly targeted by

exclusionary discipline are overwhelmingly male, Black, brown, disabled, and come from low-income households.

The SED report actually names these factors and calls them the elephant in the room. The SED report has cited research showing that even a single suspension increases the likelihood of dropout by 23 percent. That puts children on a path to poverty and, even worse, the school-to-prison and deportation pipeline.

So the bill essentially would eliminate suspensions for pre-K through 3 except in rare cases and where required by federal law. New York City already does this. It would ensure that suspensions for older students would not occur due to minor infractions like dress code violations.

It caps the length of suspensions from 180 days, which is an entire school year, to 20 days. It would strengthen due process for students. And most importantly, it reforms codes of conduct to incorporate restorative practices which address the root causes of

behavior infractions rather than punishment.

Sorry, I'm looking at the clock at the same time.

I will end with a quote from Joanna Miller, director of the Education Policy Center at the New York Civil Liberties Union, and member of the SED task force. "By not passing the Solutions not Suspensions Act, year to year our State Legislature is propping up a massive discrimination system against Black students and young people with disabilities."

Thank you.

CHAIRWOMAN KRUEGER: Perfect timing.

CHAIRWOMAN WEINSTEIN: Thank you.

National Parents Union?

MS. BAKER: Hi. Good evening, and thank you for the opportunity to speak tonight. It was well worth the wait.

My name is Ashara Baker, and I'm a proud charter parent of a first-grader back in Rochester. I've been community organizing for just about 13 years in Rochester, and I'm proud to say that I'm the National Parents

Union New York State director as well as cofounder of the New York State Charter Parent Council.

I've had the privilege of meeting and training and supporting families across the state, and they've all expressed similar concerns about their children. These families are making a conscious effort to do right by their kids. I'm asking you to do the same thing for them today.

The New York State public education system is in dire need of change. We've heard it all day. And we need to ensure that New York students are prepared for a life of opportunity. Families need lawmakers like yourselves to step up and meet this moment, because the consequences of inaction are too great. Our kids' lives and their futures are on the line.

This session there are some real actions that can have an immediate impact on the lives of our children. Every child deserves a life of opportunity that is a result of investing in high-quality

education. We believe in building robust career pathway programs to support kids for their future, supporting the science of literacy as well as math, investing in initiatives such as high-impact tutoring, and ensuring all kids across the state have high-quality, fully funded education options.

And when I say every child, I mean every single child. I live in a district that's subject to two state monitors. We have a revolving door of superintendents, and there is a disparity in district programs. I chose to enroll my daughter into a charter school because we couldn't let operational dysfunction alter the trajectory of her life.

I made this choice, and I'm sure many families have. She deserves a fair shot, especially being called a so-called pandemic baby. So I'm fortunate enough that my daughter attends a high-performing charter school, and they continue to amaze me with the ability to do so much with so little.

I applaud the outcomes, but I will not

celebrate until all charters like this one have the fair funding that they deserve, just like their districts. As I will note just for all children in this system, New York ranks 46th out of the 50 states within NAEP for fourth-grade math. If we want to talk about doing something for the system, we should be focusing on initiatives such as math and literacy.

But I will go back to my comment: Every option should be a great option where a student is guaranteed the ability to read and do math. And just for a note, parents want choice within public education. They deserve to send their children to safe, supportive, and results-driven learning environments.

Public charter schools serve as a way for families to get a fair shot at a quality education not based off their zip code. Parents need to see measurable, meaningful results from the public education system. We need great choices in our neighborhoods. And we need lawmakers to step up to ensure that every child across the state is prepared for

a life of opportunity.

Parents want and deserve a good public education. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Nikos?

MR. PAPAGEORGIOU: Good evening. Thank you very much for giving me the opportunity to talk to you. And thank you for keeping the best for last.

My name is Nikos Papageorgiou, and I'm the father of two boys in the New York City public system, a high school senior and a middle school 8th-grader.

I'm here to let you know through my eyes and thousands of parents like me, we're not getting our money's worth from the New York City Department of Education. We're not getting our money's worth because feelings and politics are driving New York City educational planning instead of trying to maximize all the kids' academic potential.

The New York City DOE is trying to close the educational gap by lowering the ceiling instead of raising the floor. And

they're doing so by decisions that include -- but are not limited to -- limited accelerated learning, no challenging work, and no homework.

Our kids deserve better. The parents demand better, and are leaving the system by the thousands. We're not getting our money's worth because Chancellor Banks did not follow through with the Mayor's promise for excellence in education. Chancellor Banks made a huge mistake by allowing superintendents to implement their own plans across their districts.

Superintendents turned on their selective hearing and did whatever they wanted for whatever reasons, driving thousands of families away from New York City public education. Mr. Banks and the Mayor cannot export the political cost that comes with the city's educational planning to the superintendents. They need to address it by following through with the promises that got them elected in the first place.

They need to come up with a uniform

educational plan based on excellence, as promised, and ask the superintendents to simply implement it. You cannot steer a ship by consensus. Chancellor Banks needs to act more like the captain that he was asked to be.

We're not getting our money's worth because the New York City Department of Education does not have an objective measure of academic success. Most schools in New York City measure the academic success only by the percentage of the kids that are above a self-defined grade level. Grade-level competency is probably the most important thing, but not the only one.

Because they do not care, schools right now don't keep track if during a school year, let's say, an A student becomes a B student, or a B student becomes a C student, or even if a student who was below grade level stayed further back.

My son's middle school, for example, patted itself on the back last year for achieving a self-selected above-grade-level

percentage of 70 percent, even though a huge number of kids finished the year much worse off than they started, as compared to the national average -- including many of the ones who were behind by grade level.

Please, demand more for our money by demanding objective measures of academic success for every student. The city is already paying for the technology to allow anybody to do so, but the city ignores the data.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Thank you all for being here and for staying here. There are a number of legislators that have questions.

UNIDENTIFIED VOICE: The night is young.

(Laughter.)

CHAIRWOMAN WEINSTEIN: We're trying to break the record -- we've already broken our record. So far this is only the third hearing. So hopefully this is not going to continue to get broken.

We go to Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Hi. Thank you. And thank you for being here. And thank you all for the work that you do.

And Mr. Rebell, thank you so much. I've been following your career for years. And as a former special educator, I've been following the CFE case forever. And, Jasmine, I know your work has been great.

Thank you, all of you, for hanging in there.

I'm very curious about, Mr. Rebell, your suggestion about legislation to rework how it is we do what we do in education. And I, you know, will certainly speak to Mr. O'Donnell about it, but I'm curious: Who would be doing this work? It seems to me we don't have a body of people who are really primed and ready to do that kind of analysis.

You're right, it's very difficult, and it will be very difficult in terms of people's backgrounds and politics. And so if you can explain a little more what you're thinking of.

MR. REBELL: Well, essentially we're recommending that the Legislature and the Governor establish a standing commission which would have representatives of legislators, the Governor's people, the regions, et cetera, but also stakeholders, parents and the people who are going to benefit from it.

Our expectation is the commission would have an appropriation to allow them to hire the best expertise in the country to dig into this. And I certainly couldn't give you all kinds of recommendations. There are people who really understand this business, who can really dig into the facts and can come up with proposals, alternatives, that we then are proposing that would be put out for meaningful public engagement meetings around the state to get the reaction from parents, from students, from teachers, from the general public.

And then the commission would make a recommendation, and it would go to the Legislature. But it would be thorough. And

with this expertise -- and we also think they should have a staff -- they not only develop this new formula, but the important thing is that they stay in business. And every two years they give a report to the Governor and the Legislature about the implementation, about revisions that are needed, about cost-effective ways of improving education.

And, you know, to Senator Liu's point that he brought up earlier, I certainly don't think there can be a cap on what the level of spending is, but a commission like this can pay attention to relative costs. It can look at outdated mandates. So when I say thorough, I mean really taking a look at what's needed now for current needs for our kids to reach the levels that so many of my colleagues and so many members of the Legislature are saying it's about time our kids really reached.

ASSEMBLYWOMAN SIMON: Thank you.

MR. REBELL: Anyway, I've got a 25-page report that's been submitted --

ASSEMBLYWOMAN SIMON: I'm sure. I

have a lot more questions, too.

MR. REBELL: -- with as many details as you'd like.

ASSEMBLYWOMAN SIMON: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate?

CHAIRWOMAN KRUEGER: Senator Shelley Mayer.

SENATOR MAYER: Well, thank you all. With your different perspectives, I appreciate you all staying.

For Ms. Wisdom, the question is on your proposal for an attestation. Would that be an annual document that every nonpublic school would send into the State Education Department, is that your proposal?

MS. WISDOM: Yes. Thank you for the question.

And ideally there wouldn't need to be an annual ongoing attestation if there were other checks that Law 3204 and the new regulations were being followed.

The new regulatory process does require schools to give lots of information

in various formats. So this may become moot at that point, but our concern is primarily for the students who are in these schools over the next two years, before that process really takes off.

SENATOR MAYER: Okay, thank you.

And Mr. Rebell, thank you for your excellent work on everything, and certainly your report.

The proposal of having an ongoing commission, as opposed to sort of a one-time suggestion, which is SED'S proposal -- which again wasn't in the Governor's budget either, so there's no attention to how we're going to fix this problem from the way the Governor proposed it. But we have to deal with it one way or another.

I recall that you said some states have this ongoing commission model. Which are the ones that sort of are closest to what you're proposing?

MR. REBELL: In our report we talk about Oregon, which has had it for 15 or 20 years, and they come up with reports every

two years. I did take that as a precedent.

Illinois has a standing panel like this. They recently established a similar situation in Maryland. So there are precedents.

Now, each of them does it in a different way, and we were looking at New York's needs. But there are adequate precedents for this. And I can go into more, but we don't have time.

SENATOR MAYER: And I just want to say to Ms. Jayaram that on the issue of solutions not suspensions, I think, you know, credit to the coalition. There's certainly renewed activism on this subject now post-COVID where we have seen some numbers that are very disappointing, as you pointed out.

And I'm hopeful, you know, with Senator Jackson's leadership we're going to try to address some of the things that have been stumbling blocks. Which, we have to be honest, we -- it was very difficult to find a consensus on this bill. I'm hopeful that there's flexibility in trying to find a way

forward.

So I just would ask that everyone have an open mind so we can get to a solution. And I'm sure that that is the case.

And lastly, I just want to thank Ms. Gripper for her really incredible advocacy and speaking up for districts and students outside New York City particularly, and for me, who were not part of the conversation before. Thanks for that, and for getting to this point. I know you support the other proposal that SED has. So it's -- just a distinction there.

Yes, thank you.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you all. Thank you all for your great advocacy. And AQE, great work there.

Mike Rebell, I read your report and, you know, I'd say that in state government there are a handful of people that have made such a significant difference in the policies of the State of New York. You are one of

those few people. So thank you for decades of great work.

A question about the report, because updating is so important. And school districts today, they could have an influx of kids with special needs, an influx of English language learners. There could be big economic changes in a community. And our formulas now are so slow to respond, it is very frustrating.

So I ask the question -- you mentioned two years, a two-year cycle for reports. But couldn't we be a little more ambitious and come up with models that are more time-sensitive to changes that school districts see and have the formula work that way?

And I'll give another example going back a few decades. We've over the years eliminated experience-based aids in a number of categories that would have reflected changes. They were put into the regular formula, then into Foundation Aid. So those changes are lost in terms of sensitivity and

funding.

I'll stop there and just -- but couldn't we be quicker in terms of using data to respond?

MR. REBELL: Okay, yes. And, you know, we've proposed this every two years because there is precedent for that and all.

But it doesn't preclude making it every year, having interim reports. If major issues come up like migrant students, if we had this standing commission, they could take an immediate look at it, they could dig into what the actual costs are, look at other states and what are the best ways of dealing with this.

So we've got a proposal out there. I know if the Assembly and the Senate pick it up, people are going to rethink it, there's going to be further thoughts. So it's not written in stone. But the basic principle of having a thorough, up-to-date analysis of current needs that fit the requirement, the constitutional requirement to provide kids a sound, basic education on an ongoing basis --

that principle, I submit, has to be in whatever entity emerges from this.

And the second principle is I think it has to be a standing commission so we don't have to wait 17 years to get a new formula and, as your point, we have more immediate things. And maybe it's every year, maybe it's every three years they need to report, but all of that can be worked out around the basic principles of a thoroughgoing, zero-based, new look at what's needed and a standing commission to follow up on it.

ASSEMBLYMAN OTIS: Thank you all for your advocacy, everybody on this panel. We saved the best for last.

(Laughter.)

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator Jabari Brisport.

SENATOR BRISPORT: Is this on? Okay --

CHAIRWOMAN KRUEGER: Check your microphone.

SENATOR BRISPORT: Thank you all so

much for your testimonies and for being here this late.

I just had two questions. They're both about charters.

The first is for Ms. Gripper. I just want to help -- I just would like for you to help us understand something. Let's -- hypothetically, let's say I own a corporation and I want to make as much money as I can from --

CHAIRWOMAN WEINSTEIN: Jabari, we can't hear you.

SENATOR BRISPORT: Can you hear me now?

MS. GRIPPER: Yes.

SENATOR BRISPORT: I'll lean in.

So, Ms. Gripper, can you help us understand -- let's say I own a corporation and I want to make as much money as I can, possibly from a charter school, but I'm restricted to only opening a nonprofit charter school.

Could you help us understand how I might still be able to make a huge profit

even after opening up a nonprofit charter school?

MS. GRIPPER: Yeah. So we've seen this happen in New York State.

So, one, if you are on the board of the charter, you get them to rent a building that you own and then you charge them rent that's way above market value. We've had that happen even here in the City of Albany.

Most charter schools contract with a for-profit management company, and you charge the charter school a rate per pupil to help with management costs. Again, you can raise a profit from that.

And so even though New York does not allow for-profit charter schools, there are plenty of people who are making money off the charter industry here in New York State.

SENATOR BRISPORT: Thank you, Ms. Gripper.

And the second question is for Ms. Jayaram.

In the Solutions Not Suspensions bill, it calls for charters to follow the same

rules around discipline and suspensions as New York State law. Could you explain more the need for that, and what if any rules around discipline and suspensions charter schools currently follow?

MS. JAYARAM: So the first thing I can say is that yes, the -- and I'm sorry, I should have mentioned that. The bill absolutely applies to charter schools.

The second thing I'll say is that I have a page of data from the 2021-2022 school year. All of it is from public schools, because we don't really know what is happening in the charter schools. And I know, you know, the issues of transparency and accountability were brought up before, and that is absolutely a reason why this is such a critical provision of this bill. And why I can't actually really answer your second question, because we just don't know.

We get the sense, you know, we hear from parents that their kids are pushed out, particularly kids with disabilities. But we don't know enough. And I think this whole

committee has in the past addressed that very issue.

So thank you for asking.

SENATOR BRISPORT: Thank you so much.

You know, I can share when I was teaching -- I was a public schoolteacher before this -- and my sixth-graders would often joke that if they had gone to the charter school in the community, that they would be suspended for things as small as looking the wrong way or having their outfit on wrong.

So I hope one day we have the transparency on what is actually happening inside these charter schools that you're talking about, Ms. Jayaram.

Thank you. No more questions.

CHAIRWOMAN KRUEGER: Thank you.

Assembly?

CHAIRWOMAN WEINSTEIN: Yes. We go to Assemblywoman Peoples-Stokes.

ASSEMBLYWOMAN PEOPLES-STOKES: Thank you very much, Madam Chair.

I really just wanted to say thank you

to you all for your patience.

And I wonder if Mr. Rebell knows what that bill number is that he's talking about, because I think that's an amazing idea whose time has come. And there is no question that there's something wrong with that formula.

And by the way, there is a ton of other formulas in the state education budget that go all over the place, and districts will follow the money. They will figure out how to make themselves available to get that money on that budget line.

It's what happened to Community Schools, quite frankly. It got coopted in a lot of ways, because people figured out how to get access to it when it was really designed to create some level of equity in the traditional public school systems.

And the last thing I would just say is if you can give me the number, that would be great. If not, I can look it up later.

I want to say to the parents who came here today that your voice speaks volumes. I know that everybody else comes because they

have an agenda, they have a job, they have something they want to see happen.

You're trying to raise your children, that's all you're trying to do, and get them educated. So I really do commend every parent who spoke here today. Thank you for doing that.

And thank all of you for coming.

CHAIRWOMAN WEINSTEIN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Robert Jackson to close for the Senate.

SENATOR JACKSON: I'm the closer?

Well, this is the last panel, and I was waiting in order to go home until the last panel was here.

So first, let me thank you all for coming and listening to the testimony. As I've said to every panel, you're spending your time and energy to come make the presentations to us as legislators in order to give us an insight into the issues and concerns that impact not only you, but all the children in New York State. And that's

the most important thing.

First, let me address the parent that sends her child to a charter school. I've said to parents every parent has to decide what's best for their child. And so if that's what you've decided, that's what you decided.

And I say to you that the three girls that I have with my wife, two of them went to public high schools and all of them went to K-8 school right in our neighborhood. But our youngest daughter, based on the conversations I had with my wife, we sent her to private school for high school, the Dwight School. So I never hid that.

But everyone knows that I'm fighting for public schools, okay? And Michael and AQE, you both want the same goal, but you just have different avenues to get there. And, you know, just like we have to get together and deal with those that disagree with us regarding solutions not suspensions, we have to work together and come up with an agreement. And so that's important.

And YAFFED, you know where I stand with that. I've said loud and clear: If they're not doing it, and this is years -- this happened -- this is not just the last year. Cut them off. Cut the money off. You know, it's -- enough is enough.

And I liked your testimony, sir. If you don't mind, did you put it in -- is it in the chat somewhere? Because I'd like to read what you had to say about, you know, the fact that the City Department of Education has to assess and make things right.

MR. PAPAGEORGIOU: I'd love to.

SENATOR JACKSON: I say to all of you, keep the spirit up, understanding that this -- we're in this for the long haul. This is not going to happen -- you heard what Betty Rosa said, the process it takes in order to basically get things moving. It could take another year even if there was an agreement.

But we have to make things work, and we have to push it. And that's what I'm here to do, that's what John and everybody else is

here to do. They've listened to what everybody had to say. And so I say to all of you, thank you, thank you, thank you on behalf of all of the children that are depending on all of us to do the right thing so that they can get a good education.

MS. GRIPPER: Thank you, Senator.

MR. REBELL: Thank you.

MS. JAYARAM: Thank you.

CHAIRWOMAN WEINSTEIN: So with that, I want to --

SENATOR JACKSON: I yield back five seconds.

(Laughter.)

CHAIRWOMAN KRUEGER: First time ever.

(Laughter.)

CHAIRWOMAN WEINSTEIN: I'm sure you've used that previously today. Sorry.

I do want to echo my colleague's comments and thank you all for waiting. Sometimes being last is best, in that it's what we end up leaving the room with and remembering most. So thank you for being here.

This concludes the Elementary and Secondary Education hearing. We will be back in this room in 13 hours, just under 13 hours, for the Economic Development hearing starting at 9:30, to be followed by the Tax hearing tentatively scheduled for 2:00 p.m.

CHAIRWOMAN KRUEGER: Thank you, everyone. Thank you very much for staying so late.

CHAIRWOMAN WEINSTEIN: Thank you. The hearing is now closed.

(Whereupon, the budget hearing concluded at 8:40 p.m.)