

NEW YORK STATE ASSEMBLY

ANNUAL REPORT

2020



COMMITTEE ON
EDUCATION

CARL E. HEASTIE
SPEAKER

MICHAEL R. BENEDETTO
CHAIR



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
EDUCATION COMMITTEE

COMMITTEES
Rules
Labor
Ways & Means

MICHAEL BENEDETTO
82ND Assembly District
Bronx County

December 15, 2020

The Honorable Carl Heastie, Speaker
New York State Assembly
State Capitol, Room 349
Albany, New York 12248

Dear Speaker Heastie:

I am pleased to submit to you the annual report for the Assembly Standing Committee on Education. It is an honor to serve as the Chair of this Committee and advance education policies that help our students succeed. The work accomplished during the unprecedented 2020 legislative session demonstrates the Committee's dedication to meeting the diverse and changing needs of our school districts. Thanks to your leadership, the Committee continued to invest in the success of students, teachers and schools across New York State.

The COVID-19 pandemic has resulted in unprecedented challenges to our state and school districts. Despite the financial uncertainties, the 2020-21 enacted budget provided an overall increase to General Support for Public Schools (GSPS) of \$93.2 million or 0.3 percent over the 2019-20 school year, for a total of \$27.9 billion when state funds and federal CARES Act funds are combined. This amount includes an increase in formula-based aid of \$95.6 million for the 2020-21 school year. The budget maintained Foundation Aid at the 2019-20 school year level, for a total of \$18.4 billion. Additionally, the Legislature acted to ensure that school districts do not experience a reduction in state aid for the 2019-20 school year for closing schools due to the pandemic (Chapter 107 of the Laws of 2020).

As we move forward into the 2021 legislative session, the Committee will continue to monitor the impact of the COVID-19 pandemic and work to ensure the best for all of our students, teachers and staff in the many city, suburban and rural school districts across the state. On behalf of the Committee, I want to thank you for your support and leadership throughout this legislative session, and I look forward to the 2021 session.

Sincerely,

A handwritten signature in cursive script that reads "Michael R. Benedetto".

Michael Benedetto
Chair
Committee on Education

**2020 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON EDUCATION**

Michael Benedetto, Chair

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Benjamin Decker, Associate Counsel
Fletcher Whyland, Principal Analyst
Kayli McTague, Committee Assistant
Abigail Mellon, Program and Counsel Executive Secretary

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I. INTRODUCTION

The New York State Constitution states that, “[t]he Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated” (Article 11, Section 1). This constitutional provision establishes the foundation for the areas of responsibility of the Assembly’s Standing Committee on Education.

The Committee is responsible for overseeing educational policies and programs affecting prekindergarten, elementary and secondary education for approximately 3 million children attending both public and nonpublic schools. Within New York State, there are nearly 700 school districts, including the nation’s largest, the New York City School District, which enrolls over 1 million students. In addition, 37 Boards of Cooperative Educational Services (BOCES) provide occupational education, shared services, special education and academic programs on a regional basis. The Committee also participates in the process for selecting persons to serve on the New York State Board of Regents.

The Committee works diligently to ensure that the public schools of this large and diverse state provide the range of opportunities that all students need to fulfill their potential. The Committee supports equitable funding and strengthening the quality of public education in the state.

During the 2020 Session, 557 bills were referred to the Education Committee. The Education Committee has broad jurisdiction over all aspects of public education. This report provides a detailed examination of the Committee’s budgetary and legislative achievements in 2020.

II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS

A. STATE BUDGET HIGHLIGHTS

The Legislature modified the Executive's budget proposal to increase funding for General Support for Public Schools (GSPS) by \$93.2 million for a total GSPS of \$27.9 billion for the 2020-21 school year. This is an increase in formula based aids of \$95.6 million for the 2020-21 school year. Foundation Aid was maintained at its 2019-20 school year level for a total of \$18.4 billion. The Legislature also provided full reimbursement of expense-based aids.

The following summary provides a brief description of the State Budget:

Foundation Aid

The Foundation Aid formula was established in the 2007-08 school year and acts as a mechanism to ensure that educational resources are distributed to schools in a comprehensive and equitable manner pursuant to the New York State Court of Appeal's *Campaign for Fiscal Equity* decision. The formula is based on the average cost of educating students in successful schools, and is adjusted for regional cost differences, poverty levels, pupils with limited English proficiency and special education needs. In addition, the formula is based on enrollment rather than attendance.

The Legislature maintained the same level of Foundation Aid funding as the 2019-20 school year, for a total of \$18.4 billion.

The Legislature rejected the Executive's proposal to consolidate 10 expense-based aids into Foundation Aid.

Early Childhood Education

The Legislature accepted the Executive's continuation of \$849 million for the Statewide Universal Full Day Prekindergarten program.

The Legislature provided \$500,000 for the Long Island Prekindergarten Technical Assistance Center.

Grant Programs

The Legislature accepted the Executive's proposal for \$1 million to develop a curriculum on civics, diversity and religious tolerance.

The Legislature provided \$10 million for student mental health initiatives.

Teacher Programs

The Legislature restored funding for Teacher Resource and Computer Training Centers at \$14.3 million for the 2020-21 school year.

The Legislature restored funding for the Executive Leadership Institute at \$475,000 for the 2020-21 school year.

Special Education

The Legislature provided funding for High Cost Excess Cost Aid for special need students at its present law level of \$619 million for the 2020-21 school year, a decrease of \$53.3 million from the 2019-20 school year.

The Legislature provided funding for Private Excess Cost Aid at its present law level of \$422.6 million for the 2020-21 school year, an increase of \$26 million over the 2019-20 school year.

The Legislature accepted the Executive's proposal to fund Supplemental Public Excess Cost Aid at \$4.3 million for the 2020-21 school year, which is the same level of funding as the 2019-20 school year.

The Legislature provided funding to the schools for the blind and deaf (4201 schools) at \$103.9 million for the 2020-21 school year. The Legislature provided \$903,000 to restore funding for the Henry Viscardi School, \$903,000 to restore funding for the New York School for the Deaf, \$500,000 to restore funding to the Mill Neck Manor School for the Deaf and \$500,000 for the Clearly School for the Deaf.

Bilingual Education

The Legislature provided \$18.5 million for bilingual education, which is the same level of funding as the 2019-20 school year.

The Legislature restored \$385,000 in funding for training programs to increase the number of teachers providing bilingual or multilingual education.

BOCES Aid

BOCES Aid provides funding to reimburse school districts that participate in BOCES shared educational programs and services. The 2020-21 enacted state budget funded this aid category at its present law level of \$1.03 billion, which is an increase of \$11.7 million over the 2018-19 school year.

The Legislature accepted the Executive's proposal to maintain BOCES Aid for Special Act School Districts at \$700,000, which is the same level of funding as the 2020-21 school year.

Special Services Aid

The Legislature decreased funding for Special Services Aid to its present law level of \$260.5 million, which is a decrease of \$3 million from the 2019-20 school year.

Building Aid

The Legislature rejected the Executive's proposed changes to Building Aid.

The Legislature modified the Executive's proposal to provide funding for Building Aid at its present law level of \$3 billion, a decrease of \$5.7 million over the 2019-20 school year.

The Legislature modified the Executive's proposal to provide funding for Reorganization Building Aid at its present law level of \$20 million, a net decrease of \$810,000 from the 2019-20 school year.

Transportation Aid

The Legislature rejected the Executive's proposed changes to Transportation Aid.

The Legislature provided funding for Transportation Aid at its present law level of \$2.1 billion, an increase of \$108.9 million over the 2019-20 school year.

The Legislature provided funding for Summer Transportation Aid at its present law level of \$4.9 million.

High Tax Aid

The Legislature accepted the Executive's proposal and provided funding for High Tax Aid at \$223.3 million, the same level of funding as the 2019-20 school year.

Nonpublic School Aid

The Legislature maintained Nonpublic School Aid at 2019-20 levels: Nonpublic School Aid (\$193 million); nonpublic school health and safety grants (\$15 million); nonpublic science, technology, engineering and math (STEM) teachers (\$30 million); Office of Religious and Independent Schools (\$800,000); and Academic Intervention Services (\$922,000).

The Legislature provided \$1 million for nonpublic schools for additional costs of complying with immunization requirements.

Charter Schools

Charter School Transition Aid directs funding to school districts most impacted by charter school growth and enrollment. The Legislature provided funding for Charter School Transition Aid at its present law level of \$44.3 million, a decrease of \$1.9 million from the 2019-20 school year.

The Legislature adjusted tuition payments to charter schools to 94.5 percent of their calculated tuition in the 2020-21 school year. In future years, the increase in school district spending for the 2020-21 school year will not be counted in calculating charter school tuition increases.

Miscellaneous Aids

The Legislature provided \$2 million for the East Ramapo Central School District school improvement grant.

The Legislature provided \$1.5 million to restore funding for Adult Literacy Education, for a total of \$9.23 million.

The Legislature restored \$1.5 million in funding for the Consortium for Worker Education (CWE), for a total of \$13 million. The Legislature also provided \$500,000 to restore funding for the CWE Enhanced Credentialing program.

The Legislature provided \$1.2 million each for Buffalo and Rochester School Health Services, for a total of \$2.4 million.

The Legislature restored \$500,000 for the Teacher Diversity Pipeline Pilot in Buffalo, which will provide assistance for teacher aides and teaching assistants to become teachers.

The Legislature restored \$500,000 for Independent Living Centers, for a total of \$14.4 million.

The Legislature provided \$500,000 for the Center for Autism and Related Disorders at SUNY Albany.

The Legislature also provided \$87,500 each for monitors to provide educational and financial oversight for the Hempstead and Wyandanch Union Free School Districts, for a total of \$175,000. Additionally, the Legislature provided \$175,000 for a monitor for the Rochester City School District.

The Legislature restored \$150,000 for the National Association of Social Workers.

The Legislature accepted the Executive's proposal to fund the School Lunch and Breakfast Program at \$34.4 million, which is the same funding level as the 2019-20 school year.

The Legislature accepted the Executive's proposal to continue \$2.3 million to subsidize the cost of reduced-price meals, which is the same funding level as the 2019-20 school year.

The Legislature accepted the Executive's proposal to continue \$1 million in transition funding for Deferred Action for Childhood Arrivals (DACA) to provide educational services and support for DACA-eligible out-of-school youth and young adults in New York State.

Article VIIIs

The Legislature rejected the Executive's proposal authorizing the reissuance of charter schools that have been surrendered, terminated or revoked any time after July 1, 2015.

The Legislature rejected the Executive's proposal allowing school districts, private schools and BOCES to apply to SED for a waiver from certain special education requirements.

The Legislature modified the Wyandanch Union Free School District's deficit financing to \$4.5 million and extended the deadline for issuance.

The Legislature extended the East Ramapo Central School District monitors for one year.

The Legislature extended the current prekindergarten certification requirements for an additional year.

The Legislature modified the Executive's proposal requiring certain curriculum on civics education, diversity and religious tolerance.

The Legislature modified the Executive's proposal requiring certain visits to educational sites to ensure the Chancellor of the New York City School District provided additional opportunities to supplement classroom instruction, including but not limited to visiting educational and cultural sites and institutions such as a Holocaust museum, African-American cultural centers and historical landmarks, a Native American museum, Asian-American museums and cultural centers, a Latin American museum, center for women, LGBTQ historical landmarks and American historical landmarks and monuments.

The Legislature modified the Executive's proposal to establish the Syracuse Comprehensive Education and Workforce Training Center focusing on science, technology, engineering, arts and math (STEAM) education for students in grades 9 through 12.

The Legislature modified the Executive's proposal to appoint a monitor to provide oversight, guidance and technical assistance related to the academic and fiscal policies, practices, programs and decisions of the Rochester City School District, board of education and superintendent.

B. COVID-19

A.10189-A, Ortiz; Chapter 107 of the Laws of 2020: This law provides that school districts will not experience a reduction in state aid in the 2019-20 school year for closing schools due to COVID-19.

A.10193, Abinanti; Chapter 363 of the Laws of 2020: This law provides that as a result of the COVID-19 state of emergency, schools serving students with disabilities shall experience no financial harm for not meeting the 180-day requirement or for experiencing a reduction in enrollment during the 2019-20 school year.

C. BOARDS OF COOPERATIVE EDUCATIONAL SERVICES

A.7104-A, Buttenschon; Chapter 298 of the Laws of 2020: This law authorizes BOCES to establish an agriculture program upon local interest from one or more component school districts and subject to approval by the BOCES board of education.

D. SCHOOL BUDGET & OPERATIONS

A.8896, Stern; Veto Memo No. 61: This legislation would validate certain actions by the Cold Spring Harbor Central School District in regards to a transportation contract.

A.8898, Stern; Veto Memo No. 62: This legislation would validate certain actions by the Huntington Union Free School District in regards to late final building cost reports.

A.8926, Goodell; Veto Memo No. 56: This legislation would validate certain actions by the Panama Central School District in regards to late final building cost reports.

A.9802-A, Jaffee; Veto Memo No. 63: This legislation would validate certain actions by the Pearl River Union Free School District in regards to late final building cost reports.

A.9922, Stirpe; Veto Memo No. 57: This legislation would validate certain actions by the Liverpool Central School District in regards to late final building cost reports

A.9951, Barclay; Veto Memo No. 58: This legislation would have validated certain actions by the Fulton City School District in regards to a transportation contract.

A.10106, Lupardo; Chapter 246 of the Laws of 2020: This law authorizes the Binghamton City School District to establish a health insurance reserve fund.

A.10594, Gunther; Veto Memo No 69: This legislation would validate certain actions by the Monticello Central School District in regards to late final building cost reports.

E. SCHOOL DISTRICT ELECTIONS

A.9076, Thiele; Chapter 300 of the Laws of 2020: This law redefines military service to include the United States Merchant Marine Academy for the purposes of military voting in school elections.

F. SCHOOL GOVERNANCE

A.9079-A, Darling; Chapter 19 of the Laws of 2020: This law is an amendment to Chapter 753 of 2019 to require the Commissioner to appoint a monitor to the Hempstead Union Free School District to provide oversight, guidance and technical assistance related to the academic and fiscal policies, practices, programs and decisions of the school district, board of education and superintendent.

A.9080, Jean-Pierre; Chapter 18 of the Laws of 2020: This law is an amendment to Chapter 754 of the Laws of 2019 to require the Commissioner to appoint a monitor to the Wyandanch Union Free School District to provide oversight, guidance and technical assistance related to the fiscal policies, practices, programs and decisions of the school district, board of education and superintendent, as well as provide for a lottery advance and authorization for deficit financing.

G. HEALTH & SAFETY

A.6787-D, Wallace; Chapter 349 of the Laws of 2020: This law prohibits school districts, nonpublic schools and charter schools from utilizing or purchasing biometric identifying technology, including the use of facial recognition technology, for any purpose until July 1, 2022, or until the Commissioner of Education authorizes the use of such technology after issuing a comprehensive report, whichever is later.

IV. OUTLOOK 2021

During the next legislative session, the Committee on Education will continue to monitor the impact of the COVID-19 pandemic on schools and work to ensure that students and teachers around the state are provided the technology, resources and necessary support they deserve. The Committee will also continue to fight for fair, equal and adequate funding, especially in our state's most struggling schools, and ensure that our students will be college- and career-ready upon graduation.

As always, the Committee will strive to advocate for the necessary resources to provide all students of this state with a sound, basic education.

V. SUMMARY SHEET

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 5

ASSEMBLY SENATE TOTAL
BILLS BILLS BILLS

BILLS REPORTED FAVORABLE TO

TO CODES	0	0	0
TO JUDICIARY	0	0	0
TO WAYS AND MEANS	5	0	5
TO RULES	2	0	2
TO FLOOR	2	0	2
TOTAL	9	0	9

COMMITTEE ACTION

HELD FOR CONSIDERATION	51	0	51
DEFEATED	0	0	0
ENACTING CLAUSE STRICKEN	22	0	22
REMAINING IN COMMITTEE	557	20	577

BILLS REFERENCE CHANGED TO:

Libraries **1**

TOTAL	9	0	9
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