

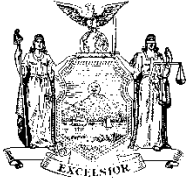
NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker
Michael Benedetto, Chair



2023 ANNUAL REPORT

COMMITTEE ON
Education



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
EDUCATION COMMITTEE

COMMITTEES
Rules
Labor
Ways & Means

MICHAEL BENEDETTO
82nd Assembly District
Bronx County

December 15, 2023

The Honorable Carl E. Heastie, Speaker
New York State Assembly
Legislative Office Building, Room 932
Albany, New York 12248

Dear Speaker Heastie:

I am pleased to submit to you the annual report for the Assembly Standing Committee on Education. Thanks to your leadership, the Committee continued to invest in the success of students, teachers, and schools across New York State.

The 2023-24 enacted state budget increased funding for General Support for Public Schools (GSPS) by \$3 billion for a total of \$34 billion for the 2023-24 school year. The budget increased Foundation Aid by \$2.6 billion, for a total of \$24 billion and succeeded in completing the multi-year commitment to fully fund Foundation Aid. In addition, the enacted budget provided \$130 million to help provide full reimbursement for school meals for school districts that participate in the federal Community Eligibility Provision (CEP) program and \$2.5 million for the State Education Department to design a new tuition rate setting methodology for our special education schools and programs.

The Assembly Majority also championed many important educational measures including banning the use of corporal punishment in all schools.

As we move forward into the 2024 legislative session, the Committee will continue to ensure the best for all of our students, teachers and staff in the many city, suburban, and rural school districts across the state.

Sincerely,

Michael Benedetto
Chair
Committee on Education

**2023 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON EDUCATION**

Michael Benedetto, Chair

Committee Members

William Magnarelli	Doug Smith, <i>Ranker</i>
Amy Paulin	Mary Beth Walsh
Phil Ramos	David McDonough
Daniel O'Donnell	John Mikulin
Ron Kim	Michael Reilly
Steven Otis	Eric Brown
Alicia Hyndman	Lester Chang
Harry Bronson	John W. McGowan
Kimberly Jean-Pierre	Sam Pirozzolo
Al Taylor	
Rodneyse Bichotte Hermelyn	
Nader Sayegh	
Marianne Buttenschon	
William Conrad	
Chantel Jackson	
Marcela Mitaynes	
Amanda Septimo	
Manny De Los Santos	
Stacey Pheffer-Amato	
Edward Gibbs	
Juan Ardila	

Majority Staff

Maria Volpe-McDermott, Assistant Secretary for Program and Policy
Benjamin Decker, Associate Counsel
Steven Rossi, Analyst
Diane Harper, Committee Clerk
Joann Butler, 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 2.8 million children attending both public and nonpublic schools. Within New York State, there are more than 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 2023 Session, 532 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 2023.

II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS

A. STATE BUDGET HIGHLIGHTS

The Legislature accepted the Executive budget proposal to increase funding for General Support for Public Schools (GSPS) by \$3 billion, for a total of \$34 billion for the 2023-24 school year.

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 school districts 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 increased Foundation Aid by \$2.6 billion for the 2023-24 school year, for a total of \$24 billion. This is the final year of a three-year commitment to fully fund Foundation Aid. In addition, every school district received a minimum of a 3 percent increase in Foundation Aid.

The Legislature rejected the Executive proposal to set-aside \$250 million within Foundation Aid to establish tutoring programs in grades three through eight for students at risk of falling behind State learning standards.

Early Childhood Education

The Legislature provided a total of \$150 million in new funding for universal prekindergarten (UPK), which is a \$25 million increase over the Executive budget proposal. This includes \$100 million in funding provided through a formula-based distribution on the run and \$50 million in funding for the Statewide Universal Full Day Prekindergarten (SUFDPK) grant. Additionally, the Legislature removed supplement-not-supplant language from the appropriation language to facilitate greater adoption of the programs.

The Legislature modified the Executive proposal related to school district reporting on prekindergarten unmet need to streamline the report and include information on barriers to implementing prekindergarten programs.

Grant Programs

The Legislature modified the Executive proposal related to providing an additional \$20 million in funding for Early College High School and Pathways in Technology Early College High School (P-TECH) programs to add nursing and teaching as priority fields.

Teacher Programs

The Legislature restored \$21.4 million for Teacher Resource and Computer Training Centers.

The Legislature restored \$1.5 million for the Consortium for Worker Education (CWE), for a total of \$13 million.

The Legislature restored \$974,500 for the Executive Leadership Institute.

Special Education

The Legislature restored funding for the following schools: the Henry Viscardi School (\$903,000), the New York School for the Deaf (\$903,000), the Cleary School for the Deaf (\$500,000), the Mill Neck Manor School for the Deaf (\$500,000), and the Saint Francis de Sales School for the Deaf (\$150,000).

The Legislature provided \$150,000 for St. Mary's School for the Deaf.

The Legislature restored \$2 million in funding for schools for the blind and deaf (4201 schools) and provided an additional \$4 million, for a total of \$112 million.

The Legislature modified the Executive proposal related to requiring the State Education Department to study the rate setting methodology for special education providers by removing the cost neutral language, removing regular consultation with the Division of the Budget, and requiring the Legislature to receive the findings.

Bilingual Education

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

BOCES Aid

The Legislature provided funding for BOCES Aid at its present law level of \$1.2 billion.

Special Services Aid

The Legislature provided funding for Special Services Aid at its present law level of \$238 million.

Building Aid

The Legislature provided funding for Building Aid at its present law level of \$3.3 billion.

The Legislature accepted the Executive proposal to make permanent enhanced building aid reimbursement for eligible school safety improvements.

Transportation Aid

The Legislature provided funding for Transportation Aid at its present law level of \$2.5 billion.

The Legislature provided full funding for Summer Transportation Aid at its present law level of \$5 million.

The Legislature modified the funding cap for Transportation After 4 pm by \$2.5 million, for a total of \$24.9 million.

High Tax Aid

The Legislature provided funding for High Tax Aid at \$223.3 million.

Nonpublic School Aid

The Legislature restored \$1.9 million for Nonpublic School Aid, for a total of \$195 million.

The Legislature provided an additional \$3 million for nonpublic schools to hire science, technology, engineering, and math (STEM) teachers, for a total of \$73 million.

The Legislature maintained \$45 million for capital funding for health and safety projects at nonpublic schools.

The Legislature rejected the Executive proposal to restrict nonpublic school aid funding to the appropriation in any given year.

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

Miscellaneous Aid

The Legislature provided \$134.6 million in increased funding, for a total of \$169 million, to help provide school meal reimbursement at the free-lunch funding level to school districts that participate in the federal Community Eligibility Provision (CEP) program.

The Legislature provided \$12 million for the Yonkers City School District.

The Legislature provided \$2 million for tax certiorari grants.

The Legislature provided \$2 million for specialized high school preparation programs.

The Legislature provided \$1.5 million for Adult Literacy Education, for a total of \$9.3 million.

The Legislature restored \$1.2 million for the Buffalo City School District Health Services Grant.

The Legislature restored \$1.2 million for the Rochester City School District Health Services Grants.

The Legislature provided \$1.1 million for implicit bias training.

The Legislature restored \$500,000 and provided a \$250,000 increase, for a total of \$750,000 for the Long Island Pre-K Initiative.

The Legislature restored \$650,000 for NYC Kids RISE.

The Legislature restored \$500,000 for the Teacher Diversity Pipeline Pilot Program.

The Legislature provides \$500,000 for the Center for Educational Innovation.

The Legislature restored \$475,000 for the Magellan Foundation.

The Legislature restored \$461,000 for the Bard Early College High School Program.

The Legislature restored \$400,000 for the Biobus.

The Legislature provided \$365,000 for the Mind Builders Creative Arts Center.

The Legislature restored \$150,000 for the Universal Hip Hop Museum, and provided a \$100,000 increase, for a total of \$250,000

The Legislature provided \$250,000 for CWE Credentialling.

The Legislature provided \$250,000 for the Fund for the City of New York-Promise Project.

The Legislature provided \$240,000 for the Future Giants Advancing Classroom Technology Program.

The Legislature restored \$225,000 for the East Ramapo Central School District monitor.

The Legislature restored \$175,000 for the Rochester City School District monitor.

The Legislature restored \$175,000 for the Hempstead Union Free School District monitor.

The Legislature restored \$175,000 for the Wyandanch Union Free School District monitor.

The Legislature restored \$150,000 for a fiscal consultant for the Rochester City School District.

The Legislature provided \$150,000 for BRIC Arts Media.

The Legislature provided \$150,000 for the DIA Arts Foundation.

The Legislature provided \$150,000 for Education through Music, Inc.

The Legislature provided \$150,000 for the Flushing Town Hall.

The Legislature provided \$150,000 for the Underground Railroad Cultural Education Center.

The Legislature provided \$100,000 for the African American Cultural Museum.

The Legislature provided \$100,000 for the Center for Jewish History.

The Legislature provided \$50,000 for the Storm King Arts Center.

The Legislature restored \$40,000 for Long Island Latino Teachers Association.

Miscellaneous Article VIIIs

The Legislature rejected the Executive proposal to extend the requirement that school districts report on school level funding because it is duplicative of federal requirements.

The Legislature modified the Executive proposal related to charter schools to: maintain the regional cap in New York City; provide that no more than 22 charters that have been surrendered, revoked, terminated or not renewed after January 1, 2015, but before July 1, 2022 may be reissued, of which no more than 14 may be reissued in New York City; and prohibit such charters from being reissued in New York City if the total enrollment of students attending charter schools within the respective community district is greater than or equal to 55 percent of the total public school enrollment within such community district.

The Legislature modified the date for when the New York State Energy Research and Development Authority (NYSERDA) must annually report on the availability of zero-emission school buses from 2026 to 2025.

The Legislature modified the Executive proposal related to reporting on zero-emission school bus implementation to delay the start of reporting until the 2024-25 school year and to streamline the reporting requirements.

The Legislature authorized a lottery aid spin up for the Mount Vernon City School District.

B. BUDGET AND OPERATIONS

A.68-A, Sayegh; Chapter 350 of the Laws of 2023: This law requires the Commissioner of Education, in consultation with higher education institutions, to issue guidance to assist school districts and BOCES with attracting underrepresented individuals into teaching.

A.1001, Conrad; Chapter 92 of the Laws of 2023: This law is an amendment to Chapter 796 of the Laws of 2022 to clarify the types and amounts of lottery winnings that are to be excluded from a school district's adjusted gross income and provide a process for the New York State Gaming Commission to provide information on certain lottery winnings to the Commissioner of Taxation and Finance.

A.4947, Wallace; Chapter 589 of the Laws of 2023: This law allows the Cleveland Hill Union Free School District to establish a health insurance reserve fund.

A.5142-B, E Brown; Chapter 554 of the Laws of 2023: This law allows the Island Park Union Free School District to establish a reserve fund due to a tax certiorari settlement between Nassau County and the Long Island Power Authority.

A.6310-A, K Brown; Passed Assembly: This bill would allow the Northport-East Northport Union Free School District to establish a reserve fund due to a tax certiorari settlement between Nassau County and the Long Island Power Authority.

A.6807, Woerner; Chapter 571 of the Laws of 2023: This law includes e-books, subscription-based print and digital publications, as well as other digital material, as aidable for the purchasing of school library materials.

A.6871-B, Maher; Chapter 595 of the Laws of 2023: This law directs the commissioner of education to consider transportation employee benefit costs for the 2019-2020 school year as approved costs of the Goshen Central School District.

A.7049, McDonald; Chapter 596 of the Laws of 2023: This law increases the small city school district debt limit from 5 percent to 10 percent and allows such school districts to be able to determine contractual indebtedness, rather than the municipality or county.

A.7413, Lemondes; Chapter 598 of the Laws of 2023: This law allows the Auburn Enlarged City School District to establish an insurance reserve fund.

A.7768, Colton; Chapter 359 of the Laws of 2023: This law designates Asian Lunar New Year as a statewide school holiday.

A.7769, Rajkumar; Chapter 629 of the Laws of 2023: This law designates Diwali as a school holiday for all public schools in New York City.

C. CIVIC PARTICIPATION

A.5180-A, Wallace; Chapter 478 of the Laws of 2023: This law requires that local boards of education, BOCES, charter schools, and non-public schools adopt procedures to promote access to voter registration and pre-registration applications, as well as inform students of state voter registration and pre-registration requirements.

A.6091, Otis; Chapter 357 of the Laws of 2023: This law requires the board of education for every school district serving high school students grades 9-12 without a districtwide or school-level peer-selected student government to establish at least one student government organization within such district or school building.

D. GOVERNANCE

A.980, Benedetto; Chapter 71 of the Laws of 2023: This law is an amendment to Chapter 364 of the Laws of 2022 to provide additional time for the New York City School District to implement changes to the Panel for Education Policy (PEP).

A.1006, De Los Santos; Chapter 86 of the Laws of 2023: This law is an amendment to Chapter 556 of the Laws of 2022 to provide one more year for the New York City School District to begin the implementation of a class size reduction plan and for submission of the district's annual report on class size compliance.

E. HEALTH AND SAFETY

A.5010-A, Lavine; Chapter 551 of the Laws of 2023: This law includes corporal punishment to the definition of child abuse in an educational setting. This law also requires the Commissioner of Education to promulgate rules and regulations prohibiting any teacher, administrator, officer, employee or agent of any school within the state from using corporal punishment.

A.5523, Gunther; Passed Assembly: This bill would allow a suspending authority to condition a student's early return to school if the pupil voluntarily agrees to participate in counseling or specialized classes, including anger management or dispute resolution.

A.7037-A, L Rosenthal; Chapter 422 of the Laws of 2023: This law requires all school districts, BOCES, county vocational education and extension boards, charter schools, and nonpublic elementary and secondary schools that are authorized to provide and maintain epinephrine auto-injectors on site to provide all teachers with written informational material on the use of such auto-injectors that has been created and approved by the Commissioner of Health.

F. LEARNING

A.514-A, Peoples-Stokes; Chapter 355 of the Laws of 2023: This law requires school districts and charter schools to annually provide notice to parents and students on the availability of, and information on, advanced courses offered.

G. SCHOOL CONSTRUCTION

A.286-A, Paulin; Chapter 529 of the Laws of 2023: This law requires school districts to consider the incorporation of certain design principles and strategies, pursuant to guidance issued by the Commissioner of Education, within their five-year capital facilities plan. This law also allows programs which facilitate and promote community involvement in school facility planning to be eligible for funding under the extended school day/school violence prevention grant program.

A.2307-A, Lupardo; Passed Both Houses: This bill would allow the Binghamton City School District to access twice the maximum cost allowance (MCA) over a 5-year cycle instead of one MCA over a 5-year cycle for one school construction project.

A.6431, Magnarelli; Chapter 569 of the Laws of 2023: This law increases, from \$300 million to \$400 million, the project cost threshold bonding limit for Phase 3 of the Syracuse City School District School Reconstruction Act.

H. SPECIAL EDUCATION

A.133, Carroll; Passed Both Houses: This bill would require the Commissioner of Education to establish a task force and issue a report to examine dyslexia and dysgraphia screening methods, interventions, and other educational supports for students in kindergarten through grade five.

A.7258-A, Benedetto; Chapter 371 of the Laws of 2023: This law updates language in Article 89 of Education Law referring to the term “handicap” to conform to modern standards of using language referring to the term “disability”.

III. PUBLIC HEARINGS AND ROUNDTABLES

A. JOINT PUBLIC HEARING ON PARTNERSHIPS BETWEEN SCHOOL DISTRICTS AND COLLEGES AND UNIVERSITIES

October 11, 2023
10:00 A.M.
Albany, NY

The Assembly Standing Committee on Education convened a joint hearing with the Assembly Standing Committee on Higher Education to hear from experts on how colleges and universities can partner with school districts to create academic and career opportunities for students. Additionally, the Committees inquired on how current partnerships could be supported to improve and expand, and what factors may limit them in doing so currently.

The Committees heard testimony from the State Education Department (SED), State University of New York (SUNY), City University of New York (CUNY), New York State Council of School Superintendents (NYSCOSS), New York State School Boards Association (NYSSBA), Bard Early Colleges, the Wildlife Conservation Society, Association of School Business Officials (ASBO), and Monroe One BOCES.

B. JOINT ROUNDTABLE ON SCHOOL BUS ELECTRIFICATION

November 1, 2023
9:30 A.M.
Albany, NY

The Assembly Standing Committee on Education participated in a joint roundtable with the Assembly Standing Committees on Energy, Transportation, and Science and Technology on school bus electrification and the progress being made by school districts to comply with the statewide mandate requiring all new school buses to only purchase or lease zero-emission school buses beginning in 2027. Various stakeholders within the education, energy, and transportation fields convened to discuss the current challenges with implementing and transitioning to an electric bus fleet, including energy infrastructure and the availability of funding for school districts.

IV. OUTLOOK 2024

During the next legislative session, the Committee on Education will continue to ensure that all students are college and career ready upon graduation. As always, the Committee will strive to advocate for the necessary resources and funding to provide all students of this state with a sound, basic education.

V. SUMMARY SHEET

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 5

2023 SUMMARY SHEET

	<u>ASSEMBLY</u>	<u>SENATE</u>	<u>TOTAL</u>
	<u>BILLS</u>	<u>BILLS</u>	<u>BILLS</u>
BILLS REPORTED FAVORABLE TO:			
Codes	1	0	1
Judiciary	0	0	0
Ways and Means	14	0	14
Rules	5	0	5
Floor	1	0	1
TOTAL	21	0	21
COMMITTEE ACTION			
Held For Consideration	11	0	11
Defeated	0	0	0
Enacting Clause Stricken	8	0	8
REMAINING IN COMMITTEE	482	29	511
BILLS REFERENCE CHANGED TO:			
Higher Education 6			
WAYS AND Means 5			
TOTAL	11	0	11