



2019-20 Preliminary Executive Budget Analysis

EDUCATION ISSUES

School Aid

The 2019-20 Executive Budget allocates \$338 million as an increase in Foundation Aid, \$409 million for expense based aids, amongst other allocations:

Executive School Aid Runs Here -

<https://www.budget.ny.gov/pubs/archive/fy20/exec/local/school/1920schoolruns.pdf>

- \$338 million as an increase in Foundation Aid, with \$50 million for community school with set aside in Foundation Aid
- \$409 million for expense based aids, and a new expense based aid formula
- \$157 million unallocated fiscal stabilization rate (not reflected on the school aid runs)
- \$10 million for after school program
- \$15 million to expand universal pre-k, including a focus on the participation of homeless students and students with disabilities
- \$9 million to expand Early College High Schools and P-Tech programs
- \$6 million for Smart Start
- \$1.8 million for expanded free access to advanced placement for all low-need students
- \$1.5 million for Master Teacher programs
- \$1.5 million to support school-based mental health programs, and provide grants to middle schools for mental health and school climate services.
- \$3 million for school districts with high suspension rates for restorative justice practices

This amounts to school aid increase of \$956 million or 3.6%. 70% of the school aid increase is designated for high-need school districts. This increase brings state education spending to \$27.7 billion.

Education Equity Formula

A new formula will mandate education funding is distributed to the poorest schools in the poorest districts. Districts would be mandated to use a “significant portion” of foundation aid to support the poorest children and poorest schools in the districts.

School Aid Growth Cap

The budget proposes basing the School Aid Growth Cap on 10-year average annual income growth instead of annual income growth.

Expense Based Aids

The proposal merges the 11 major expense-based aid categories into a new aid category—Services Aid—starting in the 2020-21 school year. In addition, the budget proposes a new tier of Building Aid for newly approved projects.

Teacher and Principal Evaluation (APPR)

The budget includes language to reform APPR, which is similar to legislation that has been introduced. Under the proposal, schools will not be required to use a state test as the measure of student performance and instead will be able to locally select what assessments or student learning is the best way to measure growth.

After School Care

There is a \$10 million allocation to fund the Empire State After-School Program. This increase is purported to create an additional 6,250 seats for students in after-school programs in high-need communities. This year's funding will prioritize areas with high levels of gang involvement, and will focus on serving homeless students and other students who may not have a safe place to go after school.

Pre-Kindergarten

The proposal includes a \$15 million increase in prekindergarten, including a focus on the participation of homeless students and students with disabilities.

Full-Day Kindergarten Conversion

Budget legislation includes proposals to provide additional full-day kindergarten conversion aid, to incentivize the last few school district with half-day programs to establish full-day programs.

Tax Cap

The proposal permanently enacts the Tax Cap.

Early College High Schools and P-Tech

There is a \$4 million increase in funding to expand early college high school programs, and a \$5 million increase for 15 more P-Tech/Early High School programs.

Computer Science

The budget includes \$6 million for educator professional development for computer education.

Smart Start

The Executive Budget continues the Smart Start, with an additional \$6 million allocation to expand computer science and engineering education.

Advanced Placement and International Baccalaureate Access

The proposal includes an additional \$1.8 million to subsidize AP and IB exams for low-income students, and \$1 million to help develop advanced courses in school districts where there are currently few advanced courses.

Mental Health Support

The budget allocated \$1.5 million to support school-based mental health programs, and provide grants to middle schools for mental health and school climate services. These new grants could support subscriptions to school climate and bullying prevention applications, or mental health resources, or pay for training for trauma informed care.

Restorative Justice

The proposal includes \$3 million for school districts with high student suspension rates to support programs that train teachers and school leaders in alternatives to suspension such as restorative justice and positive behavior systems. These funds will be released pursuant to a plan developed by educators, civil rights organizations, and other stakeholders and must address out-of-school suspensions, restorative justice, and positive behavior systems.

Stop Arm Cameras and increased fines for passing a School Bus

The proposal would allow school districts to install stop-arm cameras which would record illegal passing of the school bus, and issue a resulting ticket. The budget would also increase fines for passing a school bus from \$250-\$400 to \$500-\$750 for a first offense, from \$600-\$750 to \$1,000-\$1,250 for a second offense, and from \$750-\$1,000 to \$1,250-\$1,500 for a third offense.

Mayoral Control

The budget proposes a three year extension to NYC Mayoral Control.

Election Day State Holiday

The Governor has called for Election Day to be an official state holiday, which would in turn close all schools thereby eliminating the security concerns of many in regards to schools as polling places.

Charter Schools

Charter school tuition is increased at 3.6%.

Non-Public Schools

There is a non-public school aid increase of 3.6% for state-mandated activities.

The Executive Budget also continues the appropriation for Comprehensive Attendance Policies.

The proposal also includes a \$20 million reimbursement program for Science, Technology, Engineering, and Math (STEM) instruction.

Teacher Programs

The budget allocates \$3 million in a new program, We Teach NY, which will recruit 250 new teachers to fill identified needed positions in New York classrooms in 2024. The State will partner with SUNY, CUNY, and high poverty school districts to identify shortage areas five years out. High school seniors will apply to the program, where they will earn a 4+1 BA and MA degree in education. Students will receive paid educational summer internships as well as a living stipend for the master's degree year, when they will also complete a teacher residency. Each student will be assigned a mentor at a high-poverty school during their college time. All participants will have job offers at the end of the five-year program in a NYS public school.

The Master Teachers Program is continued, and \$1.5 million is allocated to fund an additional cohort of 100 master teachers in high need school districts.

The Empire State Excellence in teaching Awards is continued, funds are allocated for a fourth round of awards.

School Security

The proposal includes a comprehensive school safety initiative to enhance security at schools and establish statewide standards for school safety practices:

- Legislation to require school districts and law enforcement agencies to enter into a memorandum of understanding (MOU) if they choose to hire a police officer to work in their school. This legislation will ensure law enforcement's role in the school is clearly defined, separated from disciplinary functions of the school, and agreed upon by all parties.
- Directs the School Safety Improvement Team, created as part of the SAFE Act, to develop and promulgate a model MOU as a resource for school districts and law enforcement agencies to consider when developing their MOUs to meet the individual needs of their respective communities.
- Division of Criminal Justice Services, through the Municipal Police Training Council, will establish a mandatory, standardized training curriculum specifically designed for school resource officers. This curriculum will ensure that all police officers employed by school districts have the training they need to provide security in the unique circumstances of working in a school.

Recovery High Schools

The budget provides \$1 million in start-up grants for the creation of new recovery high schools.

Career and Technical Education

The proposal to increase the aidable salary for BOCES educators and to increase special services aid to the Big 5 School Districts was NOT included in the Executive Budget.

Refugee and Immigrant Student Welcome Grants

The budget proposed \$1.5 million for Refugee and Immigrant Student Welcome Grants, which will allow school districts with large or increasing populations of refugees and immigrants to provide additional wrap-around community schools services including free English classes, health care and mental health services, and hiring additional counselors and psychologists.

State-Supported Schools for the Blind and Deaf

The proposal provides \$30 million in capital funding for health and safety projects at the 11 State-supported schools for the blind and deaf, which serve approximately 1,400 students with disabilities.

Building Mathematics Fluency

The budget invests \$1.5 million to improve math fluency among elementary school students.

Pregnant Students

The budget proposes to codify and expand on Title IX protections for pregnant and parenting students in State law, and encourages schools to examine board policies regarding school absences, so that pregnant and parenting students can graduate on time.

Extend Human Rights Law Protections to All Public School Students Statewide

The proposal advances legislation to amend the Human Rights Law to protect all public school students and institutions from discrimination.

As background, in a 2012 decision, the NYS Court of Appeals found that public schools were not covered education institutions under the Human Rights Law, and the State Division of Human Rights lost its ability to investigate reports of bullying, harassment, or other forms of discrimination by public school students.

Healthy Relationships Education

The budget proposes a new program in middle and high schools, and calls on SED to convene a taskforce in consultation with the DOH and the OCFS, medical experts, teachers, students and families to update the State's health standards to include up-to-date, medically accurate, comprehensive information on healthy relationships for grades 6 through 12.

Instruction in grades 6-12 must include information regarding medically accurate comprehensive sex education, the same definition of consent used in the Enough is Enough Law, dating violence, and health in all public school classrooms with parental permission.

Education Incentives Investment Tax Credit

This back-door voucher proposal is NOT included in the Executive Budget.

HIGHER EDUCATION ISSUES

Excelsior Scholarships

The Budget funds the third phase of the Excelsior Scholarship Program, raising the income eligibility ceiling to allow students from household making \$125,000 to apply for the 2019-20 school year.

Apprenticeships

The proposal includes a marketing campaign making parents and counselors of middle- and high-school counselors aware of the benefits of apprenticeship and work-based learning.

Student Loan Debt

The proposal requires companies servicing student loans held by New Yorkers obtain a state license and meet standards consistent with the laws and regulations governing other significant lending products such as mortgages.

Dream Act

The Executive Budget includes language to enact the Dream Act, which will allow undocumented students access to the state's Tuition Assistance Program and other State-administered scholarships like Excelsior.

CHILDREN AND FAMILY ISSUES

State Youth Council

The proposal includes a new Youth Council, made up of 62 people ages 13-21, one representing each county. They will serve for a period of two years, and will advise the Governor and policymakers on key issues facing young people, including outreach and communication strategies.

The Council will meet at least three times a year and will provide policy recommendations on education, juvenile justice, the environment, and civic engagement. In addition, in order to address issues specific to young women and girls, especially cyberbullying, sexual assault and harassment, and female empowerment, there will be sub-committees that specifically addresses these issues.

Child Victims Act

The proposal includes the Child Victims Act, which would allow for lawsuits for past abuse/sexual abuse to be brought during a window opportunity.

Summer Youth Employment Program

There is a \$4 million increase in the Summer Youth Employment Program.

Raise the Age/Juvenile Justice

The proposal includes \$200 Million to provide support for raising the age of criminal responsibility and reform measures, including comprehensive diversion, probation, and programming services for 16- and 17-year old youth in the juvenile detention.

Gang Prevention

The proposal provides \$13 million to support a comprehensive strategy of engaging at-risk youth in social and educational programs in order to cutoff the MS-13 recruiting pipeline.

ENVIRONMENT, HEALTH AND WELFARE ISSUES

Recreational Cannabis

The budget proposes the establishment of a regulated cannabis program for adults 21 and over. Specifically, the program will:

- Automatically seal certain cannabis-related criminal records.
- Implement quality control and consumer protections to safeguard public health.
- Counties and large cities can opt out.
- Restrict access to anyone under 21
- Allegedly generates approximately \$300 million in tax revenue and create jobs.

Centralize Medical Marijuana Supervision

The budget proposes a cannabis regulatory framework, administered by the newly established Office of Cannabis Management (OCM) that centralizes all the licensing, enforcement and economic development functions in one entity. The OCM will administer all licensing, production, and distribution of cannabis products in the adult-use, industrial, and medical cannabis markets.

Behavioral Health Parity

The proposal includes language purporting to ensure those suffering from Mental Health and Substance Use Disorders are not restricted from accessing health insurance benefits; requires general hospital emergency departments to have protocols to provide substance use disorder screening, education, and treatment if appropriate; and mandates coverage of court ordered treatment only when provided by an OASAS certified program for Medicaid Managed Care.

Tobacco 21

The new Tobacco 21 proposal:

- raises the minimum age to purchase cigarettes from 18 to 21;
- prohibits the sale of tobacco products in all pharmacies;
- prohibits the acceptance of price reduction instruments for both tobacco products and e-cigarettes;
- prohibits the display of tobacco products or e-cigarettes in stores;
- clarifies that the Department of Health has the authority to promulgate regulations that prohibit or restrict the sale or distribution of e-cigarettes or vapor products that have a characterizing flavor, or the use of names for characterizing flavors intended to appeal to minors; and
- prohibits smoking inside and on the grounds of all hospitals licensed or operated by the Office of Mental Health; and requires that e-cigarettes be sold only through licensed dealers.

The proposal also imposes a 20 percent tax on the retail sale of vapor products.

Lead Paint and Children

The proposal implements measures to help reduce the risk of exposure to lead paint. This includes lowering the acceptable blood lead level from 15 µg/dl to 5 µg/dl to continue the State’s goal of eliminating sources of lead

exposure before a child is injured. The budget also commits an additional \$9.4 million annually for the DOH and local health departments to implement this initiative.

The budget also proposes a lead prevention policy to ensure residential rental properties statewide are maintained in a condition that protects children from the dangers associated with exposure to lead based paint hazards.

Ban Single Use Plastic Bags

The proposal includes legislation to ban single use plastic bags provided to customers.

GENDA and Ban on Conversion Therapy (note – both just passed by legislature)

The budget advances the Gender Expression Non-Discrimination Act (GENDA), which amends Human Rights Law to bar discrimination on the basis of gender identity or expression. The proposal also bans conversion therapy in NYS.

Heroin and Opioid Epidemic

The budget includes an increase of \$26 million (4.1 percent) in operating and capital support for OASAS to continue to enhance prevention, treatment and recovery programs, residential service opportunities, and public awareness and education activities:

- Residential Treatment Beds. In FY 2019, the State will complete its efforts to add nearly 200 new residential beds;
- Opioid Treatment Program (OTP) Slots. The budget fully funds over 1,200 new OTP slots added in FY 2019;
- Prison and Jail Based Substance Use Disorder Services. The budget continues \$3.75 million in funding to support medication-assisted treatment (MAT) in local jails and leverages federal funds to expand MAT to three additional DOCCS facilities.
- Substance Use Disorder and Mental Health Ombudsman. The budget makes permanent \$1.5 million in funding to support the newly created ombudsman, a joint program between OASAS and OMH, which helps individuals and their families navigate the behavioral health care system to ensure people have access to necessary care and services.