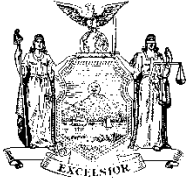


ANNUAL REPORT 2021



CARL E. HEASTIE, SPEAKER
MICHAEL R. BENEDETTO, CHAIR

NEW YORK STATE ASSEMBLY
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, 2021

The Honorable Carl 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. 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 2021 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.

Despite the continuing COVID-19 pandemic, the Assembly was able to make historic investments in school aid. The 2021-22 enacted budget increased funding for General Support for Public Schools (GSPS) by \$3.1 billion for a total of \$29.4 billion for the 2021-22 school year. The budget increased Foundation Aid funding by \$1.4 billion for the 2021-22 school year, for a total of \$19.8 billion and provided a multi-year commitment to fully fund Foundation Aid over the next three years. In addition, the budget increased funding for Universal Prekindergarten by \$105 million, expanding the number of slots available throughout the state. The Legislature also acted to ensure that school districts do not experience a reduction in state aid for the 2021-22 school year for closing schools due to the pandemic (Chapter 107 of the Laws of 2021).

As we move forward into the 2022 legislative session, the Committee will continue to monitor the impact 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 2022 session.

Sincerely,

Michael Benedetto
Chair
Committee on Education

**2021 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON EDUCATION**

Michael Benedetto, Chair

Committee Members

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Amy Paulin	Mary Beth Walsh
Phillip Ramos	David McDonough
Daniel O'Donnell	Melissa Miller
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Majority Staff

Maria Volpe-McDermott, Assistant Secretary for Program and Policy
 Benjamin Decker, Associate Counsel
 Fletcher Whyland, Principal Analyst
 Hannah Gauthier, 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 3.2 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 2021 Session, 456 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 2021.

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 \$3.1 billion for a total GSPS of \$29.4 billion for the 2021-22 school year. This is an increase in formula based aids of \$1.5 billion for the 2021-22 school year. The increase in GSPS funding provided a \$1.4 billion increase in Foundation Aid for a total of \$19.8 billion for the 2021-22 school year. The Legislature also provided full reimbursement of expense-based aids, allowing them to run at their present law level.

In addition, the 2021-22 enacted budget was supplemented by two major sources of federal funding: \$4 billion from the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) and nearly \$9 billion from the American Rescue Plan Act (ARPA) Elementary and Secondary School Emergency Relief (ESSER) Funds and the Governor's Emergency Education Relief (GEER) Funds. School districts must utilize this funding to address pandemic related education costs, including but not limited to remediating learning loss, ensuring that school facilities are properly equipped to keep students and staff safe, purchasing supplies to sanitize and clean facilities, purchasing education technology, providing mental health services and support, and addressing the needs of low-income students, students with disabilities, English language learners, migrant students, students experiencing homelessness, and children in foster care. School districts may expend this funding through the 2022-23 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 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 increased Foundation Aid funding by \$1.4 billion for the 2021-22 school year, for a total of \$19.8 billion and provides a multi-year commitment to fully fund Foundation Aid over the next three years.

The Legislature rejected the Executive's proposal to consolidate 11 expense-based aids into Foundation Aid.

The Legislature required school districts that are receiving a Foundation Aid increase of over 10 percent or \$10 million to report on how the district will use those funds to address student performance and need.

Early Childhood Education

The Legislature increased Universal Prekindergarten (UPK) funding by \$105 million, expanding the number of slots available throughout the state. Of this funding, \$90 million was allocated for low and medium wealth school districts with a low number of funded pre-k slots and \$15 million was allocated through a request for proposal process and will pay \$10,000 per slot.

Teacher Programs

The Legislature restored \$25 million of funding for the Teachers of Tomorrow grant program.

The Legislature restored \$14.26 million of funding for Teacher Resources and Computer Training Centers.

The Legislature restored \$2 million of funding for the Teacher Mentor Intern grant program.

The Legislature restored \$184,000 for the National Board for Professional Teaching Standards.

The Legislature restored \$475,000 for the Executive Leadership Institute.

Special Education

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 for 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 2020-21 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 2021-22 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.

Special Services Aid

The Legislature increased funding for Special Services Aid to \$280.9 million.

Building Aid

The Legislature provided funding for Building Aid at its present law level of \$3.2 billion.

Transportation Aid

The Legislature provided funding for Transportation Aid at its present law level of \$2.1 billion.

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

The Legislature provided \$28.9 million of funding for the Transportation After 4 program.

High Tax Aid

The Legislature 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 restored \$3.9 million to Nonpublic School Aid payments provided through Mandated Services Aid and the Comprehensive Attendance Program.

The Legislature restored \$600,000 of funding and provided an increase of \$10 million for the nonpublic science, technology, engineering, and math (STEM) teachers for a total of \$10.6 million.

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

The Legislature restored \$18,000 for academic intervention services for nonpublic schools.

Charter Schools

The Legislature rejected the Executive's proposal to reduce charter school supplemental basic tuition. The Executive's proposal was estimated to reduce payments to school districts by \$35 million.

The Legislature rejected the Executive's proposal to eliminate the \$51.5 million in State reimbursement for Charter Facilities Aid to New York City.

Miscellaneous Aid

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

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

The Legislature restored \$1.5 million for Adult Literacy Education.

The Legislature restored \$1.5 million for the Consortium for Worker Education.

The Legislature restored \$1.2 million for the Buffalo School Health Services Grants.

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

The Legislature restored \$1 million for the East Ramapo Central School District.

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

The Legislature restored \$500,000 for the Center for Autism.

The Legislature restored \$500,000 for the Long Island Pre-K Initiative.

The Legislature restored \$500,000 for CWE Credentialing.

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

The Legislature restored \$461,000 for Bard College, Queens.

The Legislature restored \$450,000 for NYC Community Learning Schools.

The Legislature restored \$385,000 for the Bilingual Teacher Institute.

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

The Legislature provided \$15 million for a digital navigator program.

The Legislature provided \$1.3 million for NYC Kids Rise.

The Legislature provided \$1 million for implicit bias training.

The Legislature provided \$400,000 for Queens College Townsend Harris High School.

The Legislature provided \$275,000 for the Auburn Enlarged School District.

The Legislature provided \$250,000 for the Promise Project.

The Legislature provided \$225,000 for Mindbuilders Creative Arts Center.

The Legislature provided \$200,000 for Biobus.

The Legislature provided \$100,000 for Educators for Student Success.

The Legislature provided \$100,000 for the Friends of the Central Library.

The Legislature provided \$25,000 for Literacy Volunteers of Sullivan County.

Article VII

The Legislature accepted the Executive's proposal to change Nonpublic School Aid payments from March to June, and to establish statutory claiming deadlines for aid payable by the State Education Department (SED) to nonpublic schools.

The Legislature authorized Special Act School Districts and 853 schools to establish a fiscal stabilization reserve fund.

The Legislature provided that Staten Island students are eligible for the Transportation After 4 program.

The Legislature clarified that federal stimulus funds received by school districts should be classified as grants in aid.

The Legislature rejects the Executive's proposal to authorize a school district, private school, or board of cooperative educational services to apply to SED for a waiver from certain special education requirements.

The Legislature enacted temporary changes to the rate setting methodology to protect 4410, 853, and Special Act School Districts from losses of revenue due to the COVID-19 pandemic.

The Legislature removed old language referring to the Gap Elimination Adjustment (GEA).

The Legislature enacted transportation and building forgiveness for the following school districts: Huntington Union Free School District; Liverpool Central School District; Marlboro Central School District; and Cold Spring Harbor Central School District.

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

The Legislature expanded the Executive's proposal to reimbursable transportation costs related to delivering food, educational materials, and internet connectivity to also include standby costs. Standby costs will be reimbursable through May 7, 2020.

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

The Legislature rejected the Executive's proposal to cap the State's liability to nonpublic schools to annually appropriated funding levels.

B. COVID-19

A.958, Abinanti; Chapter 130 of the Laws of 2021: This law is a chapter amendment to Chapter 363 of the Laws of 2020 to remove the provision that schools serving students with disabilities be held harmless for the 2020-21 school year due to a reduction in enrollment as a result of the COVID-19 state of emergency.

A.6475, Bronson; Chapter 60 of the Laws of 2021: This law authorizes voters who are unable to appear at the polling place due to the risk of the COVID-19 pandemic to request an absentee ballot for school district elections for the 2021 election cycle.

A.8021, Abinanti; Chapter 167 of the Laws of 2021: This law provides that school districts may continue to provide special educational services during the 2021-22 and 2022-23 school years to certain students with an Individualized Education Program (IEP) until the student completes the services pursuant to the IEP or turns twenty-three years of age, whichever is sooner.

C. Health and Safety

A.954, Wallace; Chapter 2 of the Laws of 2021: This law is a chapter amendment to Chapter 349 of the Laws of 2020 to require the Director of the Office of Information Technology Services to issue a report instead of the Commissioner of Education and to allow schools to utilize biometric identifying technology for certain purposes.

A.2388-B, Aubry; Chapter 500 of the Laws of 2021: This law requires the Commissioner of Health to develop information related to students who exhibit signs or symptoms of sudden cardiac arrest, requires the Commissioner of Education to promulgate regulations relating to the removal of students from athletic activities due to the signs and symptoms of sudden cardiac arrest, and requires certain school personnel to be trained in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest.

A.3093, Fahy; Chapter 623 of the Laws of 2021: This law adds violent crime statistics and density of vacant buildings or structures to the factors in determining child safety zones.

A.5127, Benedetto; Chapter 339 of the Laws of 2021: This law expands the types of glucagon certain unlicensed school personnel trained by medical health professionals may administer in emergency situations.

D. School Budget and Operations

A.826, Wallace; Chapter 212 of the Laws of 2021: This law authorizes the Depew Union Free School District to establish a health insurance reserve fund.

A.993-A, Bronson; Chapter 614 of the Laws of 2021: This law authorizes a 12 project \$475 million phase three of the Rochester Joint Schools Construction Board school modernization program, authorizes a double maximum cost allowance for building aid for up to six projects, and provides increased accountability and transparency measures.

A.3234, Hunter; Chapter 215 of the Laws of 2021: This law authorizes the Liverpool Central School District to establish a health insurance reserve fund.

A.4494, Galef; Chapter 290 of the Laws of 2021: This law authorizes the Carmel Central School District to establish a health insurance reserve fund.

A.4877, Palmesano; Veto Memo No. 37: This legislation would have legalized, validated, ratified and confirmed certain actions by the Corning City School District in regards to late transportation contracts.

A.6258-A, Magnarelli; Chapter 617 of the Laws of 2021: This law authorizes a 10 project \$300 million phase three of the Syracuse Cooperative School Reconstruction Act under the direction of the Syracuse Joint Schools Construction Board (JSCB) and authorizes a double maximum cost allowance for building aid for seven projects.

A.6289, Gunther; Veto Memo No. 38: This legislation would have legalized, validated, ratified, and confirmed certain actions by the Monticello Central School District in regards to late final building cost reports.

A.6340, Friend; Chapter 353 of the Laws of 2021: This law authorizes the Owego Apalachin Central School District to establish a health insurance reserve fund.

A.6356-B, Griffin; Veto Memo No. 39: This legislation would have legalized, validated, ratified, and confirmed certain actions by the Baldwin Union Free School District in regards to late transportation contracts.

A.6360-B, Griffin; Veto Memo No. 40: This legislation would have legalized, validated, ratified and confirmed certain actions by the West Hempstead Union Free School District in regards to late transportation contracts.

A.6380, Lupardo; Chapter 354 of the Laws of 2021: This law authorizes the Maine-Endwell Central School District to establish a health insurance reserve fund.

A.6426, Thiele; Chapter 453 of the Laws of 2021: This law authorizes the superintendent of the Eastport-South Manor Central School District to adjust certain apportionments of the school tax levy as a result of a math error.

A.6527-A, Kelles; Chapter 315 of the Laws of 2021: This law prohibits schools or school districts from filing a lawsuit against a student's parent or guardian to collect unpaid meal fees.

A.6528-A, Braunstein; Chapter 605 of the Laws of 2021: This law requires school districts to allow a military connected student to preliminarily enroll by remote registration and not require the student, or the parents or guardians of the student, to physically appear at a location within the district to enroll.

A.6885, Barclay; Veto Memo No. 43: This legislation would have legalized, validated, ratified and confirmed certain actions by the Fulton City School District in regards to a late transportation contract.

A.6972, Goodell; Veto Memo No. 42: This legislation would have legalized, validated, ratified and confirmed certain actions by the Panama Central School District in regards to late final building cost reports.

A.7025-A, Durso; Veto Memo No. 45: This legislation would have legalized, validated, and confirmed certain actions by the West Islip Union Free School District in regards to a late transportation contract.

A.7164-A, Lawler; Veto Memo No. 44: This legislation would have legalized, validated, and confirmed certain actions by the Pearl Union Free School in regards to late final building cost reports.

A.7576, Jean-Pierre; Chapter 754 of the Laws of 2021: Requires certain school districts to issue high school diplomas to students who participate in an educational program and complete the State diploma requirements while placed in certain juvenile justice facilities.

A.7618-A, Salka; Veto Memo No. 41: This legislation would have legalized, validated, ratified, and confirmed certain actions by the Oneonta City Central School District in regards to a late transportation contract.

E. School District Elections

A.5456, Jean-Pierre; Chapter 70 of the Laws of 2021: This law reduces the number of signatures required for nominating petitions in library and school board elections for the 2021 election cycle.

A.6336-A, Sillitti; Chapter 99 of the Laws of 2021: This law authorizes the Great Neck Union Free School District to move the date of their annual meeting and election to avoid conflicting with religious observances.

A.6711, Lawler; Chapter 100 of the Laws of 2021: This law authorizes the Suffern Central School District to move the date of their annual meeting and election to avoid conflicting with religious observances.

F. School Governance

A.5683-B, Zebrowski; Chapter 173 of the Laws of 2021: This law extends the monitors in the East Ramapo Central School District for an additional 5 years until June 30, 2026, allows for the appointment of two monitors instead of three, and expands the powers and responsibilities of the monitors.

G. Special Education

A.7120, Jackson; Chapter 253 of the Laws of 2021: This law extends, for three years, provisions that conform state Education Law to the federal Individuals with Disabilities Education Act to ensure that New York State will continue to be in compliance with federal requirements.

A.7614, Benedetto; Chapter 812 of the Laws of 2021: This legislation provides that if a parent of a student files a due process complaint notice seeking an impartial due process hearing and an impartial hearing officer (IHO) is not appointed within 196 days after filing, in following regulations promulgated by the Commissioner of Education, an IHO may be immediately appointed based upon a proposed order of relief.

A.7755-A, Pheffer Amato; Veto Memo No. 50: This legislation would have allowed 4410 programs to retain funds in excess of their allowable and reimbursable costs incurred for services provided to preschool students.

A.8013, Benedetto; Veto Memo No.82: This legislation would have provided that tuition and rate increases for approved school-age and preschool special education programs be linked to increases to general support of public schools (GSPS).

H. Teacher and Principal Evaluations and Tenure

A.6750-B, Benedetto; Chapter 112 of the Laws of 2021: This law waives the requirement that school districts conduct annual teacher and principal evaluations (APPR) for the 2020-21 school year, ensures that state funding is not withheld for not meeting such requirement, and provides that certain teachers and principals who were appointed for a probationary period shall be eligible for tenure.

A.8020, Benedetto; Chapter 147 of the Laws of 2021: The law is a chapter amendment to Chapter 112 of the Laws of 2021 to provide technical amendments and clarify that certain teachers and principals shall be eligible for tenure if they have been, in the superintendent of schools' discretion, qualified for tenure appointment based upon performance.

III. PUBLIC HEARINGS

A. HEARING ON GOVERNANCE OF THE NEW YORK CITY SCHOOL DISTRICT

October 14, 2021
10:00 A.M.
New York, New York

The Assembly Committee on Education convened a hearing on the governance of the New York City School District. Chapter 91 of the Laws of 2002 and Chapter 123 of 2003 established a centralized, mayoral control system of governance for the New York City School District. In 2019, the Legislature extended the provisions of mayoral control for three years, until June 30, 2022, and included provisions to increase parental involvement on the Panel for Education Policy and Community District Education Council. This was the second in a series of hearings and other informational forums throughout the City of New York to assess the effectiveness of mayoral control of the New York City School District and hear from stakeholders on the ways to address the inequities in our schools and improve student performance. This hearing was convened to examine best practices utilized by other school districts which may be implemented in the New York City School District.

The Committee heard testimony from a professor of political science and education, the Community Education Council (CEC) President's Representative, and educational advocates. Witnesses discussed how the mayoral control governance model varies by city and the challenges of the current governance structure, especially with the COVID-19 pandemic. Specifically, witnesses spoke about changing the power structure of school governance to allow for checks on the Mayor's control and increased power to parents and city councils. Witnesses agreed that reforming the system should not be rushed and that giving additional authority to those most involved in schools is needed.

IV. OUTLOOK 2022

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 for our schools and ensure that 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 9

<u>ASSEMBLY</u>	<u>SENATE</u>	<u>TOTAL</u>
<u>BILLS</u>	<u>BILLS</u>	<u>BILLS</u>

BILLS REPORTED FAVORABLE TO:

Codes	2	0	2
Judiciary	0	0	0
Ways and Means	26	0	26
Rules	9	0	9
Floor	6	0	6
TOTAL	43	0	43

COMMITTEE ACTION

Held For Consideration	1	0	1
Defeated	0	0	0
Enacting Clause Stricken	9	0	9
REMAINING IN COMMITTEE	456	23	479

BILLS REFERENCE CHANGED TO:

Higher Education 1

Ways and Means 2

TOTAL	3	0	3
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