



NEW YORK STATE BLACK, PUERTO RICAN, HISPANIC, AND ASIAN LEGISLATIVE CAUCUS  
Assemblyman N. Nick Perry, Chairman

# THE PEOPLE'S BUDGET BUDGET EQUITY XXVI

PRELIMINARY ANALYSIS OF THE  
GOVERNOR'S EXECUTIVE BUDGET 2018-2019



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**Message from Chairman  
Assemblyman N. Nick Perry  
SFY 2018-2019**

As the Chairman of the fifty-four member New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus, it is with pride and purpose that we present to the governor, the legislature, and the citizens and residents of our great state and the communities we serve, *The People's Budget: Budget Equity XXVI*. This document makes very clear that the Caucus stands with the people of New York in leading our communities to a society that is more equitable, empowered, progressive and bursting with opportunities for children and families to pursue and realize their dreams. As a caucus we do not shirk the call to lead during this turbulent time, and assure all New Yorkers that we remain deeply committed to improving the quality of lives of all residents of the Empire State.

In 2018, statewide elected officials shoulder the unenviable task of serving during the presidential tenure of a man who has expressed little interest in aiding the communities we represent. Therefore, we must endeavor to work even harder to make significant and positive impact at the state level for our residents, as they can expect little but turmoil and embarrassment from our leadership in Washington D.C.

We must zealously advocate, particularly for New Yorkers in minority communities who continuously come under attack from the President. Now more than ever, our state must step up and do what is right and show that New York is a place which still values and welcomes our immigrant population by passing the Dream Act. By passing this important bill, our legislature can fuel Lady Liberty's flame and keep her torch burning as a beacon of light for those yearning for the American dream.

The Caucus will continue to leverage its power so that we can enact new, bold and innovative policies to fulfill the financial commitment to public education, true tuition-free college that assists students with non-tuition costs, funding immigration services, and continuing to reform our criminal justice system.

In *The People's Budget*, we conduct a preliminary analysis of the governor's FY2018/2019 budget proposal, followed by our articulation of the legislative and budgetary proposals that will best enable us to support our mission of rehabilitating our communities, strengthening family life, and making the legislative process responsive to the needs of all New Yorkers.

The New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus thank you for taking the time to review this year's publication. Constituents should take the opportunity to reach out to their local Member of the legislature in order to voice their support and share their concerns. On behalf of all of the Members of our Caucus, I assure that your voice will be heard.



## **ACKNOWLEDGEMENTS**

**We would like to express special appreciation to all of the Legislators, staff and community groups who have contributed to this publication. Without their talents and commitment, Budget Equity XXVI would not have been possible.**

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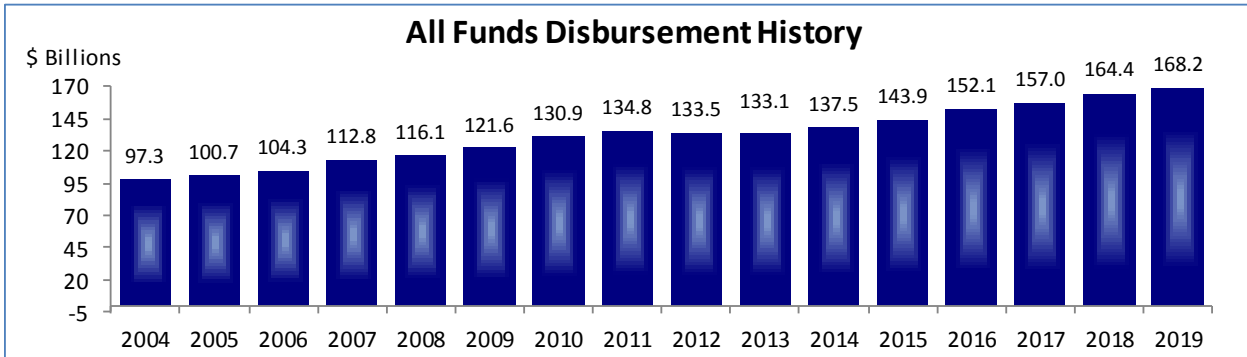
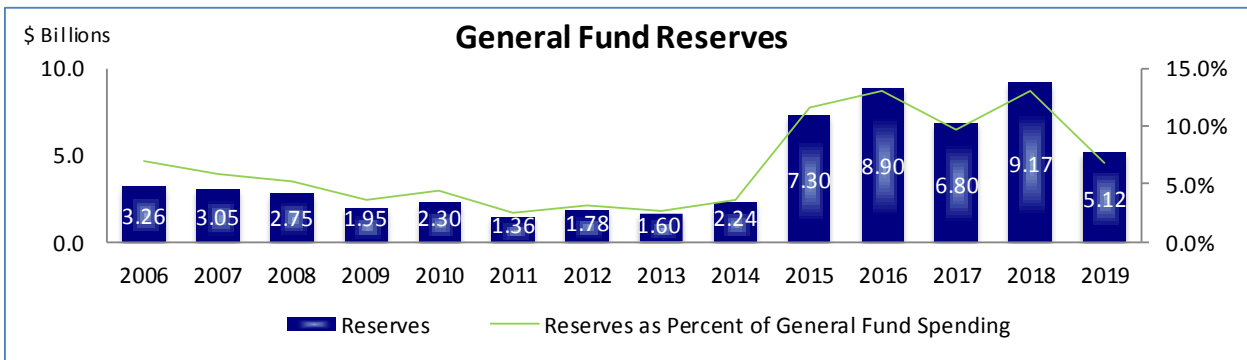
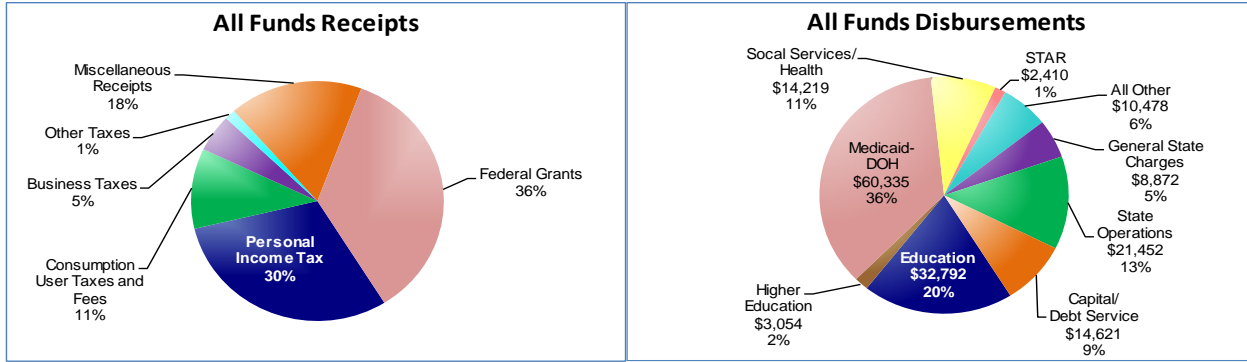
**We thank all New Yorkers for their continued advocacy to improve the quality of our state. Their efforts greatly contributed to the content of this document.**

**PRELIMINARY ANALYSIS OF THE 2018-2019 EXECUTIVE BUDGET**



## **The Executive Budget: HIGHLIGHTS**

- **All Funds Spending:** The Executive Budget estimates All Funds spending for State Fiscal Year (SFY) 2018-19 at \$168.2 billion, an annual growth of 2.3 percent.
- **State Operating Funds Spending:** The Executive's estimate of 1.9 percent growth in State Operating Funds remains below the two percent spending benchmark with total disbursements reaching \$99.98 billion.
- **General Fund Spending:** The Executive estimates General Fund disbursements in SFY 2018-19 of \$75.2 billion, for an annual growth of \$5.2 billion or 7.5 percent.
- **Closing the SFY 2018-19 Budget Gap:** The Executive's proposal includes recommendations that are intended to close an estimated \$4.4 billion General Fund budget gap in SFY 2018-19. This gap would be closed through \$2.7 billion in spending reductions, \$1 billion in new revenue actions, and \$736 million in resource changes.
- **Out-year Budget Gaps:** The Executive's forecast for out-year budget gaps in the Mid-Year Report were estimated at \$6.4 billion for SFY 2019-20, \$8.1 billion for SFY 2020-21, and \$8.4 billion for SFY 2021-22. The Executive Budget revises out-year gap estimates to provide a balanced budget in SFY 2018-19, with a gap of \$127 million in SFY 2019-20, and surpluses of \$256 million in SFY 2020-21 and \$1.2 billion in SFY 2021-22. Notably, these surpluses are dependent on unidentified cuts related to the adherence to the two percent spending benchmark combined with the current year adoption of over \$1 billion in new revenue actions.
- **Monetary Settlements:** The State has received \$10.7 billion in settlement funds from financial institutions since SFY 2014-15. The Executive allocates an additional \$702 million in previously unbudgeted settlement funds in the proposed budget. This includes \$383 million for General Fund support, \$194 million to support the operations of the Metropolitan Transportation Authority (MTA), and \$125 million for the Health Care Facility Transformation Program.
- **General Fund Reserves:** The Executive estimates a SFY 2018-19 General Fund closing balance of \$5.1 billion, a decrease of \$4 billion from SFY 2017-18. The decline is almost entirely due to the use of \$1.9 billion in SFY 2018-19 Personal Income Tax (PIT) receipts prepaid in SFY 2017-18, as well as the disbursement of \$2.1 billion of settlement funds.

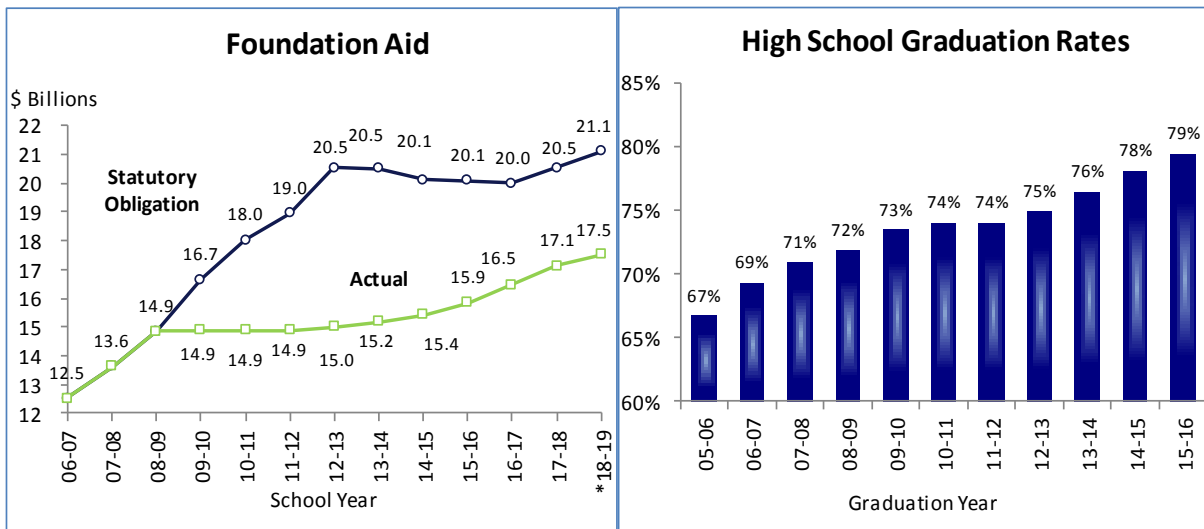
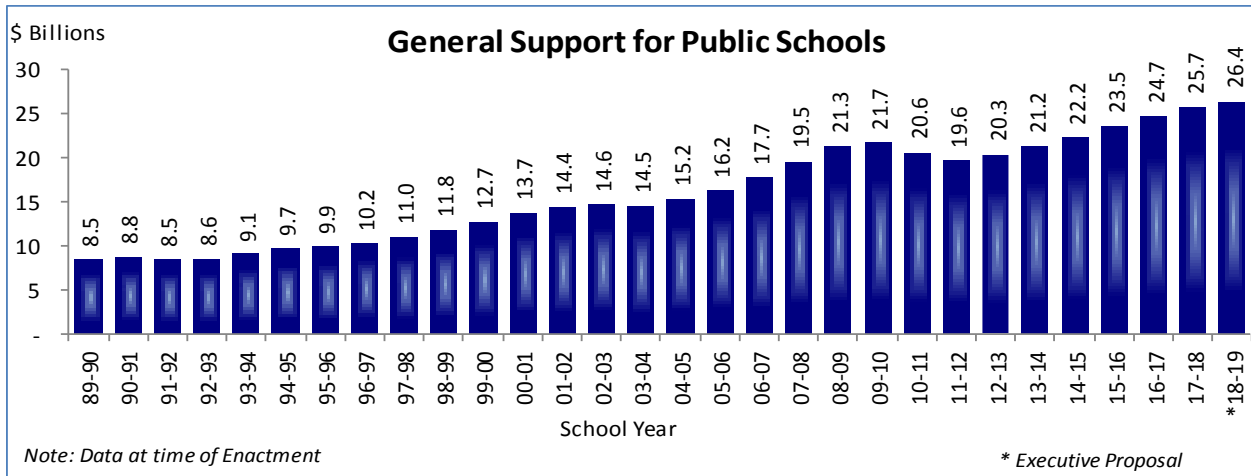


Source: NYS Division of the Budget.



## **The Executive Budget: EDUCATION**

- **General Support for Public Schools (GSPS) (\$769 million):** The Executive proposes an increase in GSPS of \$769 million or three percent, increasing aid from \$25.59 billion to \$26.36 billion for School Year (SY) 2018-19. This increase consists of \$716 million for School Aid, \$50 million for competitive grants, and \$3 million in other categorical aids.
- **School Aid (\$716 million):** The Executive proposes a School Aid increase of \$716 million, comprised of: \$338 million for Foundation Aid (including a \$50 million set-aside for Community Schools), \$314 million for the reimbursement of expense-based aids, and \$64 million for a Fiscal Stabilization Fund.
  - Additionally, the Executive proposal would change expense-based aid reimbursement by capping the growth of transportation, building, and BOCES aids at two percent, starting in the SY 2019-20, and would expand Full-Day Kindergarten Conversion Aid.
  - The Executive also proposes to require certain school districts to have school-level funding plans approved by the State Education Department and the Division of Budget to receive additional State Aid.
- **Competitive Grants:** The Executive proposal includes \$49 million for the following initiatives: Prekindergarten (\$15 million); After School Programs (\$10 million); Early College High Schools (\$9 million); Smart Start Computer Science (\$6 million); Breakfast after the Bell (\$5 million); Test Fee Assistance (\$2.5 million); and Gang Prevention Education Programs (\$1.5 million).
- **Charter Schools:**
  - **Direct State Funding for New York City Charter Schools (\$22.6 million):** The Executive proposal would provide a three percent per pupil tuition increase directly to charter schools located in New York City.
  - **New York City Charter Facilities Aid:** The Executive would cap reimbursement to the New York City School District (NYCSD) at \$10 million and require NYCSD to reimburse charter schools for additional expenditures.
  - **Supplemental Basic Tuition Reimbursement for NYCSD:** The Executive proposes to end reimbursement to the NYCSD for supplemental basic charter tuition.
- **School Meals:** The Executive proposes to prohibit lunch shaming, require some districts to provide breakfast after the school day has begun, and increase meal reimbursement for districts that purchase more than 30 percent of their food from local farms.



## General Support for Public Schools

AID CATEGORY	2017-18 School Year (\$ in Millions)	2018-19 School Year (\$ in Millions)	\$ Change (\$ in Millions)	% Change
<b>Formula-Based Aids</b>				
Foundation Aid	17,172.76	17,510.39	337.63	1.97
Excess Cost - High Cost	638.48	626.07	(12.41)	(1.94)
Excess Cost - Private	393.33	415.75	22.42	5.70
Reorganization Operating Aid	7.34	6.46	(0.88)	(12.01)
Textbooks (Incl. Lottery)	176.01	178.46	2.45	1.39
Computer Hardware	37.05	38.02	0.97	2.61
Computer Software	45.10	46.07	0.97	2.15
Library Materials	18.65	19.22	0.57	3.05
BOCES	904.97	922.41	17.44	1.93
Special Services	251.19	249.17	(2.02)	(0.80)
Transportation	1,811.88	1,909.09	97.21	5.37
High Tax	223.30	223.30	0.00	0.00
Universal Prekindergarten	413.07	415.56	2.49	0.60
Academic Achievement Grant	1.20	1.20	0.00	0.00
Supplemental Education Improvement Grant	17.50	17.50	0.00	0.00
Charter School Transitional Aid	38.62	48.41	9.79	25.35
Full-Day Kindergarten	1.65	0.65	(1.00)	(60.61)
Academic Enhancement Aid	9.57	9.57	0.00	0.00
Supplemental Public Excess Cost	4.31	4.31	0.00	0.00
Building Aid/Reorganization Building	2,950.66	3,126.42	175.76	5.96
<b>Total Formula-Based Aids</b>	<b>25,116.66</b>	<b>25,768.02</b>	<b>651.36</b>	<b>2.59</b>
<b>Grant Programs</b>				
Teachers of Tomorrow	25.00	25.00	0.00	0.00
Teacher-Mentor Intern	2.00	2.00	0.00	0.00
Student Health Services	13.84	13.84	0.00	0.00
Roosevelt	12.00	12.00	0.00	0.00
Urban-Suburban Transfer	7.34	7.34	0.00	0.00
Employment Preparation Education	96.00	96.00	0.00	0.00
Homeless Pupils	27.98	30.23	2.25	8.04
Incarcerated Youth	16.00	16.00	0.00	0.00
Bilingual Education	15.50	15.50	0.00	0.00
Education of OMH / OPWDD Pupils	53.75	54.25	0.50	0.93
Special Act School Districts	2.70	2.70	0.00	0.00
Chargebacks	(51.50)	(51.50)	0.00	0.00
BOCES Aid for Special Act Districts	0.70	0.70	0.00	0.00
Learning Technology Grants	3.29	3.29	0.00	0.00
Native American Building	5.00	5.00	0.00	0.00
Native American Education	46.20	46.92	0.72	1.56
Bus Driver Safety	0.40	0.40	0.00	0.00
<b>Total Grant Programs</b>	<b>276.20</b>	<b>279.67</b>	<b>3.47</b>	<b>1.26</b>
<b>Total Formula-Based Aids and Grant Program:</b>	<b>25,392.86</b>	<b>26,047.69</b>	<b>654.83</b>	<b>2.58</b>
Performance Grants	194.47	244.47	50.00	25.71
Fiscal Stabilization Fund	0.00	64.00	64.00	100.00
<b>School Year Total</b>	<b>25,587.33</b>	<b>26,356.16</b>	<b>768.83</b>	<b>3.00</b>

## Other Public Elementary and Secondary Education Programs

	SFY 2017-18 Enacted (\$ in Millions)	SFY 2018-19 Exec. Request (\$ in Millions)	\$ Change (\$ in Millions)	% Change
Supplemental Basic Charter School Tuition Payments	64.00	139.00	75.00	117.19
Charter School Facilities Aid	0.00	6.10	6.10	-
Early College High School Programs	5.30	9.00	3.70	69.81
Computer Science Master Teacher Awards	2.00	3.00	1.00	50.00
Empire State Excellence in Teaching Awards	0.40	0.40	0.00	0.00
Prevent Cyberbullying Initiative	0.30	0.00	(0.30)	(100.00)
Continuation of Early College High School (ECHS) Grants*	0.00	1.90	1.90	-
Continuation of School-Wide Extended Learning*	0.00	21.60	21.60	-
Continuation of P-TECH grants*	0.00	14.09	14.09	-
Continuation of Smart Scholars ECHS Grants*	0.00	1.91	1.91	-
Continuation of Smart Transfer ECHS Grants*	0.00	0.88	0.88	-
East Ramapo School District	3.00	1.00	(2.00)	(66.67)
Independent Receivers	2.00	0.00	(2.00)	(100.00)
Community Schools Regional Technical Assistance Centers	1.20	1.20	0.00	0.00
My Brother's Keeper	18.00	18.00	0.00	0.00
Targeted Prekindergarten	1.30	1.30	0.00	0.00
Children of Migrant Workers	0.09	0.09	0.00	0.00
Adult Basic Education	1.84	1.84	0.00	0.00
Adult Literacy Education	7.29	6.29	(1.00)	(13.72)
Lunch/Breakfast Programs	34.40	34.40	0.00	0.00
Locally Sourced Food Reimbursement	0.00	10.00	10.00	-
Nonpublic School Aid	180.98	186.41	5.43	3.00
Nonpublic School Safety Equipment**	15.00	0.00	(15.00)	(100.00)
Nonpublic STEM	5.00	5.00	0.00	0.00
Nonpublic Immunization	7.00	0.00	(7.00)	(100.00)
Summer School Special Education	364.50	330.50	(34.00)	(9.33)
New York State Center for School Safety	0.46	0.46	0.00	0.00
Health Education Program	0.69	0.69	0.00	0.00
Academic Intervention Services, Nonpublic	0.92	0.92	0.00	0.00
Extended School Day/School Violence Prevention	24.34	24.34	0.00	0.00
Primary Mental Health Project	0.89	0.89	0.00	0.00
Summer Food Program	3.05	3.05	0.00	0.00
Consortium for Worker Education	13.00	11.50	(1.50)	(11.54)
Charter School Start Up Grants	4.84	4.84	0.00	0.00
Smart Scholars Early College HS Program	1.47	1.47	0.00	0.00
Student Mentoring and Tutoring Program	0.49	0.49	0.00	0.00
Postsecondary Aid to Native Americans	0.60	0.60	0.00	0.00
NYS Historical Association—National History Day	0.13	0.00	(0.13)	(100.00)
Small Govt. Assistance to School Districts	1.87	1.87	0.00	0.00
Math and Science High Schools	1.84	1.38	(0.46)	(24.89)
County Vocational Education and Extension Boards	0.93	0.93	0.00	0.00
Center for Autism and Related Disabilities –SUNY Albany	1.24	1.24	0.00	0.00
Just for Kids –SUNY Albany	0.24	0.24	0.00	0.00
Humanities New York	0.20	0.00	(0.20)	(100.00)
Say Yes to Education Program	0.35	0.35	0.00	0.00



## **The People's Budget: EDUCATION**

In order to ensure educational justice and an equitable budget, New York State must include adequate funding that is fairly distributed; anything less would mean denying opportunity and justice. Black, Brown and low-income students have been denied equitable opportunity for far too long. This budget must fund schools adequately to enable them to provide:

- engaging and challenging curricula, programming, and services through sustainable community schools;
- a safe and supportive school climate free from harassment, bullying, and discrimination;
- a strong foundation for our youngest learners through high-quality child care and full-day pre-K programs;
- culturally responsive education where students' diversity of history, culture and race is reflected in their education;
- access to educators from diverse backgrounds.

A state budget that is based on equity must ensure that Black, Brown and low-income students have the resources that will close the opportunity gap and shut down the school-to-prison pipeline. New York State owes schools over \$4 billion in Foundation Aid. Seventy-seven percent (77%) of the Foundation Aid owed is due to school districts with 40% or more Black and Brown students.

### **Campaign for Fiscal Equity**

It has been over a decade since New York State's highest court, the Court of Appeals, ruled that the state is violating students' constitutional right to a "sound, basic education." This lawsuit, brought by parents, is the Campaign for Fiscal Equity (CFE). The New York State Constitution guarantees students a "sound, basic education"; yet for over eleven years, New York has been in violation of the court order in CFE by failing to adequately fund schools in needy communities. While the CFE ruling was specific to New York City, in 2007 the governor and the legislature enacted a statewide solution that promised a \$5.5 billion increase in basic operating aid (also known as Foundation Aid) phased in over four years. After a decade, upwards of \$4 billion in Foundation Aid is yet to be delivered and there is still no commitment to a timely phase in. The Caucus supports and strongly urges the governor and the legislature to commit to fully funding Foundation Aid over the next two years to finally fulfill the Campaign for Fiscal Equity.

### **Community Schools**

The community schools approach is a research-based model that provides for the needs of the students and the community by making the school a central hub. Today, many of our schools are not equipped to address the needs of all of their students, nor are they able to address the desires of the parents and families.

As long as these needs go unmet, students are much less likely to succeed at school. The community school strategy provides solutions to the aforementioned problem and establishes a pathway to success for our students and communities.

Although many services and benefits are available for low-income children and families, they are often not well-coordinated and connected to the school system. Community schools integrate academics, services and supports in order to meet the full spectrum of student needs. These schools become hubs for their communities, providing students and families with a broad spectrum of services and supports easily accessible through the schools. The availability of additional help increases the potential for success for the impacted students. This comprehensive community-based approach improves student outcomes and leads to stronger families and healthier communities.

Community schools are also cost-effective. They conveniently bring existing services and private entities to the schools where students are already located, leveraging local, state, federal and private dollars to better meet student and community needs.

Community schools provide an engaging and culturally relevant curriculum, a positive school climate, wraparound health, social and emotional services, positive discipline practices such as restorative justice, and transformational parent and community engagement. There is no single program that will turn around our schools - only a comprehensive approach will succeed. Community schools provide a comprehensive solution to the many challenges faced by public schools in low-income communities, and have been proven to deliver high-quality educational opportunities and improved educational outcomes.

Today, New York State has made a significant investment in community schools over the last three years through three funding streams:

1. \$150 million earmarked through Foundation Aid for school districts with persistently struggling schools
2. \$75 million through the Community schools grant, of which \$50 million is for programs and parent engagement, and \$25 million is for capital projects to facility implementation of the model
3. \$75 million through the receivership grant.

We support converting the two grant programs (community school grant and receivership) into a single funding stream, the Community Schools Aid, one that is stable and sustainable and with clear annual increases so that all districts that need it can have access to it. For 2018, we support increase of such funding by \$50 million.



The Community Schools Aid would provide the opportunity for schools to fully engage students, parents, teachers, school leaders and communities in developing a comprehensive plan that meets their students' needs and improves educational outcomes; the act will also provide funding to implement this plan.

Schools in low-income communities are struggling to provide their students with a quality education and the opportunity to succeed in school and life. Many of the difficulties faced by schools are tied to the challenges in their communities: the impact of poverty on families and communities has a direct effect on school and student success.

### **Early Childhood Education**

Early care and learning programs, beginning from birth to Kindergarten provide the foundation children need to be successful both as students and as adults. Decades of research has established that children in low-income communities and at risk children benefit the most from high quality child care programs and pre-K. Today, New York has begun to consolidate the seven pre-K programs, each with a separate funding stream and requirements, into a single, coherent and stable system of providing pre-K funding across the state. Yet, some disparities persist since outside of New York City there are still 90,000 children without access to full day pre-K.

Quality prekindergarten for every child is a strategy that is proven to work from decades of research. Pre-K programs are critical in helping to close the achievement gap as well as to arm children with the skills and tools necessary to succeed as adults. This reality is understood by Governor Cuomo, who outlined in his annual State of the State address proposals to expand pre-K for three-and four-year-olds in high-need schools across New York State. On Long Island, for example, the vast majority of high-needs children lack access to full day pre-K programs. Long Island is an area with stark socioeconomic differences, with school districts that are racially segregated and overwhelmingly low income. Investing at least \$125 million in expanding quality full day pre-K across New York State would benefit the high-need districts on Long Island and across the state immensely.

In addition, we support restoring funding cuts to childcare subsidies and increasing the amount of subsidies available in order to provide more access to the families that need it the most. Currently, New York State provides access to only one in seven children in families in need. The surest way to condemn families in poverty is to restrict them from working because the cost of child care is sky high. The best way to ensure the economic development of our communities and the success of children in school and adulthood is to give them access to quality childcare programs.

## **School-to-Prison Pipeline**

All students deserve a safe and supportive environment free from discrimination, harassment, and bullying on school property, a school bus and/or at a school function. Educators need training on a variety of topics, including how to identify bullying; and school employees' duties concerning the reporting, investigation, and documenting of alleged incidents of harassment. We support increased investment in restorative justice practices as an effective alternative to punitive responses to wrongdoing. School-based restorative justice offers a more sustainable, equitable, and respectful alternative to dealing with misbehavior, from minor infractions to violence. It can also be used as a proactive strategy to create a culture of connectivity and care where all members of the school community can thrive.

For far too long, schools across the country and right here in New York turned to zero-tolerance school discipline policies using harsh and punitive discipline and policing for young people. Approaches to discipline and safety in schools, criminalized normal youthful behavior and created a school-to-prison pipeline pushing students in front of police officers, prosecutors, and judges instead of guidance counselors, social workers and principals. The racial disparities in suspensions, expulsions, and arrests in schools have created two very different learning experiences for Black and Latino youth, LGBTQ youth, and students with disabilities and their white peers. In New York City, Black students are close to four times more likely to receive a short-term suspension and seven times more likely to receive a long-term suspension. Black girls are eight times more likely to be suspended more than once, and students with learning disabilities are more than three times as likely to be suspended. In 2017, Black and Latino students account for 90% of all students who are arrested and 91% of all students who receive a summons. Black students account for only 27% of all students but 60% of all students who are arrested and 58% of all students who receive a summons. These alarmingly high racial disparities are mirrored throughout the state.

In 2014, the Department of Education and Department of Justice released guidelines recommending school districts, “explicitly reserve the use of suspensions, expulsions, and alternative placements for the most egregious disciplinary infractions that threaten school safety.” Efforts to end the school-to-prison pipeline have swept across legislatures in states like Illinois, California, Maryland, and Massachusetts. New York can and must join the fight to end the school-to-prison pipeline by limiting the use of harsh and punitive discipline and providing social and emotional support to students by expanding the use of restorative practices. We propose to dedicate \$50 million dollars to support safe and healthy schools for New York students through competitive grants to develop or expand school models, practices, or staff training programs that reduce reliance on suspension, expulsion, and school-based arrest, reduce disparities in school discipline, and provide a safe and supportive school climate.





### **Culturally Responsive Education**

New York State public schools should offer a variety of classes, curricula, projects, books and resources that are grounded in the rich diversity of the New York State student population. Students should be learning about the histories and cultures of African, Latino, Asian, Middle Eastern and Native heritage people in New York schools, and the intersections with gender, LGBTQIA and religious diversity. Every child should have access to anti-racism and anti-bias education.

### **Funding Science, Technology, Engineering & Math (STEM) Education**

To keep communities growing, it is essential for our workforce to be prepared for the 21st century economy, which increasingly calls for more workers to have exposure to Science, Technology, Engineering, and Math (STEM) fields. Nearly 20 percent of all current U.S. jobs require STEM skills and/or training. Workers in STEM jobs out-earn those in non-STEM fields by almost \$8.50 an hour, which spells great opportunity for well-paying jobs across a variety of positions. Our students, especially those in minority/underserved communities, need the tools and resources required to enter the 21st century job market, pursue homeownership, and raise a family. To help adhere to these goals, funding is needed to develop a competitive grant program that will support school districts to develop or expand educational programs and teacher training related to STEM.

### **Increase Teacher Diversity**

Research suggests that white students in white districts benefit from exposure to minority professionals, and that minority students benefit from minority role models in their classrooms. Many suburban areas in Long Island and across the state are becoming increasingly diverse, yet educators and community members are concerned that our school districts are not hiring enough minority teachers to educate students of all races, including the soaring numbers of Black and Latino children. It is imperative that we actively recruit and support teachers of different races and cultural backgrounds. Thus, the Caucus supports the funding of a study to collect data and provide analysis in order to determine the needs of various communities in addressing the disparities in the ratio of white to Black and Latino teachers, and the ratio of minority teachers to minority and white students.

### **College and Career Readiness**

Currently, only half of New York adults hold a postsecondary certificate or degree (New York is 11th in the nation on this indicator), and it is projected that 69 percent of jobs in the state will require post-secondary education by 2020. While the state has taken steps to address access to higher education through the Excelsior Scholarship Program, more can be done to address student readiness and completion.

In an effort to ensure that a family's ZIP code does not determine whether they have access to challenging college credit-bearing coursework in high school, an investment must be made to increase access to Advanced Placement (AP) courses and to remove financial barriers to AP exams for low-income students. Data show less than half of students who take the SAT meet its college and career readiness benchmark. Students who are not prepared for college either don't attend college at all, or often end up in remedial courses that do not count toward graduation and increase college costs and the time it takes to complete a degree. Therefore, the Caucus supports a \$20 million investment towards making AP exams free for low-income students, and providing grants to ensure all students have access to AP courses at their schools.

### **Comprehensive Sexual Health Education**

Research demonstrates that ensuring access to medically accurate, age-appropriate comprehensive sexual health education (CSE) in schools by using an evidence-based curriculum will reduce socio-demographic disparities and improve the overall health and well-being of New York's children and young adults.

CSE, guided by the national standards, includes core content and skills to help young people acquire what is often called social and emotional learning (SEL). These skills include: self-awareness (the ability to recognize one's emotions and thoughts and their influence on behavior); self-management (the ability to regulate one's emotions, thoughts, and behaviors); social awareness (the ability to take the perspective of and empathize with others); relationship skills (communication, cooperation, active listening, and conflict negotiation); and responsible decision-making.

In young adults, research across multiple disciplines has demonstrated that gender norms and inequities are key factors in shaping health generally and sexual health specifically. In a study of African-American adolescent females, those who reported having less power in their sexual relationships with males were more likely to engage in risky behaviors, and 3.9 times more likely to test positive for an STI, than those reporting having more power in their relationships. Research also indicates that when schools take measures to educate their students about dating violence, as well as enact school policies aimed at prevention, teens are less likely to be victimized, more likely to intend to avoid perpetrating IPV, and sexual harassment on school property is significantly reduced.

African American women are estimated to experience lethal intimate partner violence at a rate that is three times greater than other racial groups in the U.S. For Black women ages 15 to 35, domestic violence is the leading cause of death. Patterns of dating violence that develop in adolescence create a direct pipeline into lifelong patterns of abuse and violence. New York City teenagers place, on average, over 1,400 calls to the City's Domestic Violence hotline each month.



According to the most recent Domestic Violence Task Force report, in 2016, there were over 91,617 incident reports filed for intimate partner abuse across all age groups, up from 74,684 in 2015. In addition, 11.6 percent of all major crimes in New York City were domestic violence-related, which represents a 6.8 percent increase since 2007. The New York City Police Department estimates that 70 percent of the increase in crime in public housing is attributed to domestic violence.

Domestic violence has a direct impact on the homelessness crisis, as 25 percent of admissions to homeless shelters in New York City are linked to domestic abuse. Overall, women who experience intimate partner violence report losing an average of 7.2 work days each year.

Pregnancy rates among New York City teens remain high compared with other parts of the state. Teen pregnancy rates in the Bronx are the highest in the state – in 2014, there were 69 pregnancies per 1,000 females aged 15-19 years, compared with the citywide rate of 48.1 and the statewide rate (excluding New York City) of 24. In 2015, the teen birth rate in the state as a whole was at a 25-year low with about 14.6 births per 1,000 females ages 15-19. In parts of Brooklyn and the Bronx, however, the birth rate is between 30 and 40 births per 1,000 teenage girls.

The lack of consistent comprehensive sexual health education in New York State is costing billions in other healthcare costs. Consider that the current cost of treating STIs in the U.S. is approximately \$16 billion annually and New York State has the 12th highest rate of reported cases of chlamydia. Among counties, Kings County alone had the sixth highest number of reported cases of chlamydia nationwide, and the Bronx, Manhattan, and Queens were also each among the fifteen highest reported counties in 2015. If current rates continue, the cost on New York will increase significantly. Because carriers of STIs like syphilis and gonorrhea are often asymptomatic and go untreated, transmission can occur unabated, unless there are meaningful efforts towards prevention, education and treatment.

The Caucus joins public health experts and educators in their understanding that comprehensive age-appropriate sexuality education in grades k-12 empowers and protects our young people in crucial ways that will foster healthy development and behaviors. We believe that depriving youth of the consistent and systematic delivery of this information and the opportunity for social emotional skill building will result in devastating and unacceptable consequences for our children. The Caucus proposes to require this instruction in New York's schools to ensure that all children have the information they need to make healthy and informed decisions.

## **The People’s Budget: HIGHER EDUCATION**

### **Investments in Higher Education**

The Caucus supports building on last year’s higher education advances by empowering students to choose the college or university where they have the best chance of being successful. Student aid makes it possible for individuals to achieve greater earning potential, realize lower rates of unemployment, and better the odds for improving the quality of life in their communities.

- Increase funding for the Tuition Assistance Program (TAP) and eliminate restrictions that make it more difficult for students to qualify
- Modify the Enhanced Tuition Awards program to attract additional participants
- Permit campuses to recognize existing campus-provided institutional grant aid
- Provide for a separate match requirement for minority-serving institutions
- Increase funding for Direct Institutional “Bundy” Aid commensurate with the percentage increase in funding provided for the State University (SUNY) and City University of New York (CUNY) to ensure state residents have a diverse array of higher education options
- Expand the tax deduction for New York’s 529 Plan to encourage families to save for higher education expenses
- Reinvent the Graduate Tuition Assistance Program (Grad TAP) to reduce borrowing for graduate education, a leading driver of overall student debt
- Double funding for opportunity programs between 2015 and 2020 to help meet demand for these proven programs:
  - Arthur O. Eve Higher Education Opportunity Program (HEOP);
  - Science and Technology Entry programs (STEP/C-STEP); and
  - Liberty Partnerships Program (LPP)

### **Enact the New York State DREAM Act**

The state DREAM Act would allow “dreamers”—undocumented immigrants who came to New York as children—to apply for the state’s Tuition Assistance Program (TAP). The governor’s inclusion of this measure in the Executive Budget is welcome. Leading it through the legislature would not only send the message that New York is a state that welcomes immigrants, but a state in which talent is valued as well.



The Executive Budget estimates the cost at \$19 million in FY 2017 and \$27 million in future years. This is a very small cost to the state with a very high return on investment.

### **Educational Opportunity Programs**

The Caucus offers strong support for a funding growth rate that increases our support of educational opportunity programs throughout New York State.

### **New York Legal Education Opportunity Program**

Beginning with adoption of the FY2015-16 budget, our State committed to reinvigorating NYLEO with the infusion of \$500,000 resulting from an Assembly add. A vital aspect of any successful strategy to diversify the ranks of the legal profession in New York, NYLEO needs a recurring funding stream of support and the Caucus is strongly supportive of a \$500,000 per year annual state appropriation for this purpose.

### **New York State Martin Luther King, Jr. Scholarship**

While commendable, the governor's Excelsior Scholarship is limited in its scope. It does not address the pressing needs of lower-income students, and it does not adequately address the issue of education inequality. In response, the Caucus calls for the creation of a fund that will aid lower-income students with paying for non-tuition costs such as school fees, books, room and board, and childcare. This scholarship would go far in providing more students with access to education by lifting the financial hurdles that far too many lower-income and working students face.

### **Barbara Clark Scholarship**

With the growing cost of student debt averaging at \$30,000 reflecting the growing cost of higher education, we can see that our high school graduates are in need of financial assistance. Today more than ever it is vital to minimize the cost of education, so that tomorrow's New York State workforce are using their hard earned dollars to participate in the economy, as opposed to paying back large amounts of student debt.

Originally the New York State Lottery was established in order to fund our state's education. As reflected in the New York State Gaming Commission's lottery division year-end reviewed for Fiscal Year 2014-2015, we can see that as sales and net wins increase, the amount of school aid does not increase at a proportional rate. This distribution of lottery funds is unacceptable for several reasons: (1) the purpose of the lottery fund is first and primarily to fund education, not to promote gambling; and (2) our New York State higher education students need funding.

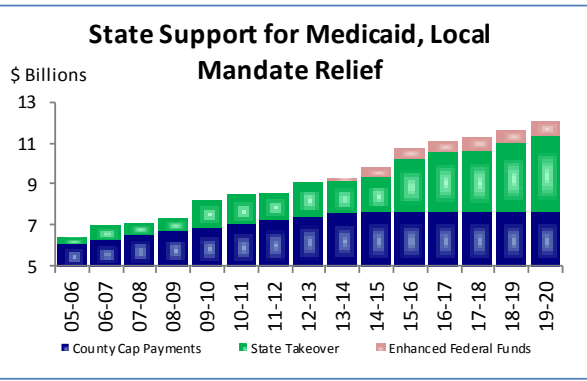
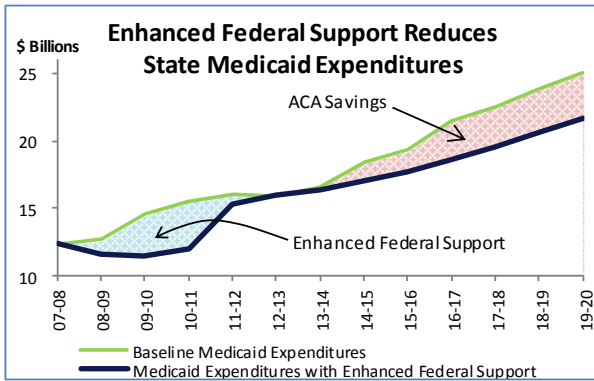
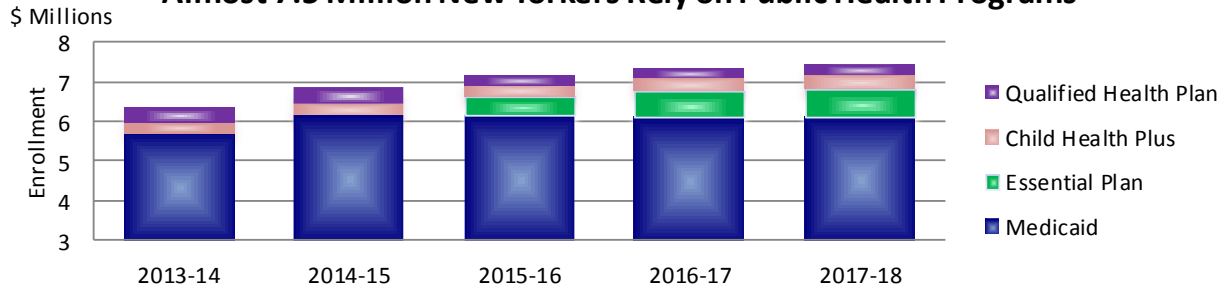
Thus, the Caucus supports a \$4 million allocation establishing the Barbara Clark Scholarship to provide awards to valedictorians who graduate from public high schools in New York State and are enrolled in public or private not-for-profit colleges and universities in New York State.

## The Executive Budget: HEALTH

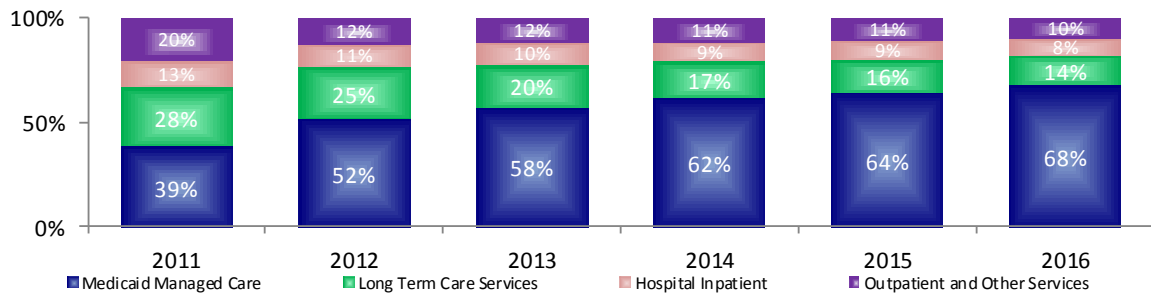
- **Extension of the Medicaid Global Cap:** The Executive proposal continues the cap on Medicaid spending through the Department of Health (DOH) and limits these expenditures to \$20.42 billion in State Fiscal Year (SFY) 2018-19 and \$21.51 billion in SFY 2019-20.
- **Medicaid Redesign Team (MRT) Recommendations:** In addition to the initiatives implemented over the prior seven years, the Executive proposes a cost-neutral series of new MRT initiatives for SFY 2018-19, which include cost containment actions, new federal costs, and financial plan relief.
- **Federal Contingency Actions:** The Executive identifies over \$2 billion in potential losses related to federal cuts to the Medicaid and The Child Health Plus (CHP) program. To partially offset these actions, the Executive would establish a \$1 billion Health Care Shortfall Fund to be funded through future insurer conversion proceeds and would authorize DOH and the Division of Budget to modify the CHP program in the event of a reduction in federal aid.
- **Essential Health Care Provider Capital:** The Executive proposes \$425 million in capital support for health care providers, including a minimum of \$60 million directed to community-based providers and \$45 million for nursing homes. Of the \$60 million, up to \$20 million would be reserved for the expansion of Assisted Living Program beds.
- **Women’s Agenda:** The Executive proposes several Women’s initiatives, including the codification of Roe v. Wade, requiring insurance plans to provide comprehensive contraception coverage; extending the storage period for forensic rape kits at hospitals; and establishing a maternal mortality review board.
- **First 1,000 Days Initiative:** The Executive proposes \$1.45 million to support a new First 1,000 Days initiative, which would expand preventive services to young children and their families.
- **Consolidation of Public Health Programs:** The Executive proposal would consolidate 30 public health appropriations into four funding pools, and then reduce funding by 20 percent or \$9.18 million.
- **Study of Marijuana Legalization:** The Executive would authorize DOH to study the implications of legalizing marijuana in New York State by examining the health, economic, and criminal justice impacts.



### Almost 7.5 Million New Yorkers Rely on Public Health Programs



### Medicaid Managed Care Enrollment has Increased Dramatically



## **The People's Budget: HEALTH & ENVIRONMENT**

### **New York Health Act**

The Constitution of the State of New York states: "The protection and promotion of the health of the inhabitants of the state are matters of public concern and provision therefor shall be made by the state and by such of its subdivisions and in such manner, and by such means as the legislature shall from time to time determine." The Caucus believes that all residents of the state have the right to healthcare. While the federal Affordable Care Act brought many improvements in healthcare and health coverage, it still leaves many New Yorkers with inadequate or zero coverage. New Yorkers—as individuals, employers, and taxpayers—have experienced a rise in the cost of healthcare and coverage in recent years, including rising premiums, deductibles and co-pays, restricted provider networks, and high out-of-network charges. Businesses have also experienced increases in the costs of healthcare benefits for their employees, and many employers are shifting a larger share of the cost of coverage to their employees or dropping coverage entirely.

Healthcare providers are also affected by inadequate health coverage in New York State. A large portion of voluntary and public hospitals, health centers and other providers now experience substantial losses due to the provision of care that is uncompensated. Individuals often find that they are deprived of affordable care and choice because of decisions by health plans guided by the plan's economic needs rather than their healthcare needs. To address the fiscal crisis facing the healthcare system and the state and to assure New Yorkers can exercise their right to healthcare, affordable and comprehensive health coverage must be provided. Pursuant to the state constitution's charge to the legislature to provide for the health of New Yorkers, the Caucus supports establishing a comprehensive universal single-payer health care coverage program and a healthcare cost-control system for the benefit of all residents of the State of New York.

### **Child Health Plus Expansion**

The Child Health Plus (CHP) program is a model universal coverage program for New Yorkers through age 18. It is the main reason that New York has one of the lowest child uninsured rates in the country at just 3%. As such, CHP is an ideal platform for offering equal access to coverage to those who are ineligible for Medicaid or New York State of Health Marketplace coverage. The Caucus supports allocating \$83 million to expand Child Health Plus coverage to all New Yorker up to age 29 earning incomes up to 400% of the federal poverty level, regardless of immigration status. This would provide young adult immigrants with access to coverage that is equivalent to the coverage offered to other New Yorkers of the same age in the Essential Plan or through Qualified Health Plans in the Marketplace; ensuring health coverage tens of thousands more New Yorkers and bringing us closer to establishing health coverage as a right in New York State.





## **Diversity in Medicine**

The Caucus understands that diversity in the medical field equates to shared understandings and higher quality care for our communities. Thus, we advocate returning the Department of Health Diversity in Medicine program to its 2016-2017 funding level, \$1.605 million. This funding will allow Associated Medical Schools of New York (AMSNY) to once again support seven Diversity in Medicine programs. A 22.5% funding cut in 2017-2018 resulted in the elimination of one program altogether, and massive cuts for the 6 remaining programs. The governor's 2018-2019 budget proposal included an additional 20% cut to the program. This additional cut means that one in five students who have been striving to become physicians will be unable to do so.

We also urge the expansion of the Diversity in Medicine Scholarship Program, which was funded by the Assembly in 2017. This program currently provides 10 students in NYS medical schools with an award equivalent to SUNY medical school tuition. In return, the students must work in an underserved area in NYS for 2-4 years when they complete their medical education. In 2017, the Assembly provided \$500,000 for this successful program. We support an allocation of \$1 million in 2018-2019—thus allowing 20 students to participate in the program. Health workforce diversity is recognized as an important strategy to reduce health disparities by improving cultural competence in health care. However, some racial and ethnic groups, including Blacks/African Americans, Hispanics/Latinos, American Indians/Alaska Natives and Native Hawaiians/Pacific Islanders, are substantially underrepresented in health professions compared to their presence in the general population. This is particularly true in New York State according to recent studies by the Center for Health Workforce Studies (CHWS) at the University at Albany, and the Caucus is committed to increasing equity in this area.

## **Healthcare for the Aging**

Higher growth rates of people of color in nursing homes nationally suggest unequal access to services that help people age in their own homes. The Caucus supports the executive budget proposals that aim to target this inequity, and advocate for the following:

- The establishment of a Long Term Services and Supports Disparities Task Force within New York's Office of Minority Health and Health Disparities Prevention to focus on improving long term care in communities of color;
- Increased funding to end the waiting lists for cost-effective services that allow people to age in their homes and communities, and out of more expensive nursing homes;
- The use of tele-health to allow Medicaid recipients to access healthcare from their homes;
- A tax credit for family caregivers to offset out-of-pocket costs, which amount to nearly 20% of the average caregiver's income, but 34% for African-Americans and 44% for Hispanics.

### **Comprehensive Contraceptive Coverage Act**

New Yorkers' access to affordable, effective contraception is defined in large part by the Affordable Care Act (ACA). As we see repeated attacks on the ACA and the birth-control coverage benefit, we must ensure that state law not only maintains but improves access to affordable contraception for all New Yorkers. While recent state regulations protect coverage of contraception, the Comprehensive Contraceptive Coverage Act takes those protections a step further by enshrining them into law, as well as ensuring that:

- Contraceptive parity is achieved by providing for coverage of vasectomies without cost sharing.
- Insurance pays for over-the-counter emergency contraception without a prescription.

### **Reproductive Health Act**

New York legalized access to abortion in 1970, three years before *Roe v. Wade*. While historic, the law has never been revised and its outdated nature restricts access to care. With an ideologically hostile and dangerous administration, Congress and Supreme Court, ensuring the right to safe and legal abortions through state law is imperative to protecting New Yorkers now more than ever.

The RHA would update New York State Law to reflect the protections in *Roe v. Wade* by ensuring a woman can access abortion care later in pregnancy, when necessary to protect her health. It would move the regulation of abortion from the penal code to the public health code, where it rightfully belongs. Finally, it would clarify that Advance Practice Clinicians (APCs) acting within their scope of practice can provide early abortion care.

### **Maternal Mortality**

New York State currently ranks 30th in the nation for maternal mortality. Moreover, staggering racial disparities persist, as African American women are almost four times more likely than white women to die in childbirth. Because no family or community should suffer the loss of a mother due to a preventable pregnancy-related death, the Caucus supports the recommendation of the American College of Obstetricians and Gynecologists (ACOG) that the NYS Department of Health's Maternal Mortality Review (MMR) and Prevention Initiatives Committee should convert to a formalized board that would implement an enhanced multidisciplinary analysis to review every maternal death in New York State and to develop actionable recommendations to improve care and management before, during, and after pregnancy and childbirth. With health care disparities by race and gender pervasive across the board with women—especially women of color — having poorer health outcomes than men, we advocate that one of the doctors on the State Board of Medicine be an expert on women's health and one of the doctors be an expert in health disparities.



## **Disease**

The Caucus calls for increased funding for Sickle Cell research, outreach, and services to our communities. Additionally, consistent with plans previously supported by the Caucus, we seek increased funding to care for those battling Lupus, Hepatitis, HIV/AIDS, and other infectious disease.

## **Hospital Investments**

We must increase our investment in hospitals. In the last five years, several hospitals in New York have closed. Community-based ambulatory care facilities, such as Jamaica Hospital Medical Center, provide critically necessary services for ethnically diverse, predominantly low-income populations all across the state. One problem caused by the closings of these hospitals is the shrinkage of emergency room services, resulting in a serious impact on critical and other care for the people in our communities. Additionally, as a result of these closures, the hospitals lack enough beds to serve an increasing patient population. In addition to the lack of services which resulted from these closures, existing hospitals are in desperate need of upgrades to their aging facilities to fully serve the expanded needs of the community. Therefore, the Caucus advocates for a FY2018-2019 state budget that increases our investment in hospitals all across the state.

## **School Based Health Centers**

On the federal level, healthcare is being dismantled brick by brick, which—for several months—included a lapse in funding for the Children's Health Insurance Program (CHIP) and community health centers. As a Caucus, we must advocate for our youth. It is our responsibility to provide a voice for them in the legislature and to make sure they are prioritized, not put on the chopping block year after year.

School Based Health Centers (SBHCs) were cut by 20% in this year's budget. At the same time, the methodology to determine how these funds are distributed was changed. This has had a devastating impact on clinics across the state. Many SBHC sponsors who serve our districts have seen cuts ranging anywhere from 25% to 70%, and they have resulted in real consequences. SUNY Downstate immediately announced the closure of four centers this year because of the funding cut. Fortunately, the closures were postponed. But without support, we will undoubtedly be in the same situation next year. The Caucus advocates to restore the \$3.6 million cut in non-Medicaid funds, preserve funding levels at \$17,098,000, and pass legislation to create a permanent Medicaid carve-out for these centers.

## **Community Health Advocates**

Designated in 2010 as New York's health consumer assistance program, CHA provides one-stop shopping for health insurance consumers and uninsured people who need help understanding and using their coverage and accessing health care—no matter the type of coverage they have (e.g. Medicare, commercial, union).

Every year, CHA serves approximately 40,000 consumers throughout the state. Since 2010, CHA has assisted over 301,977 New Yorkers, more than 37,000 through their helpline, and saved approximately \$27 million for New Yorkers in health insurance and health care costs.

At its height, CHA was funded at \$7 million (federal grants under the ACA) and provided services through 27 community-based organizations and 34 small business serving groups. In 2015, federal funding for consumer assistance programs ended. Since then, CHA has been funded by the legislature and the Executive, with the governor providing \$2.5 million and the legislature providing additional resources. In the 2016-17 State Budget, CHA was funded at \$3.25 million, which, despite an increased investment from the legislature, represented an 18 percent funding cut across the network. Two agencies were forced to drop out of the network as they were unable to operate their programs in a financially sustainable manner.

To ensure that the CHA network is there to assist our constituents as they face fear and uncertainty, as well as potential dramatic changes to health insurance programs from Washington, the Caucus supports \$2.5 million to CHA in addition to the Executive's \$2.5 million in the FY2018-19 State Budget.

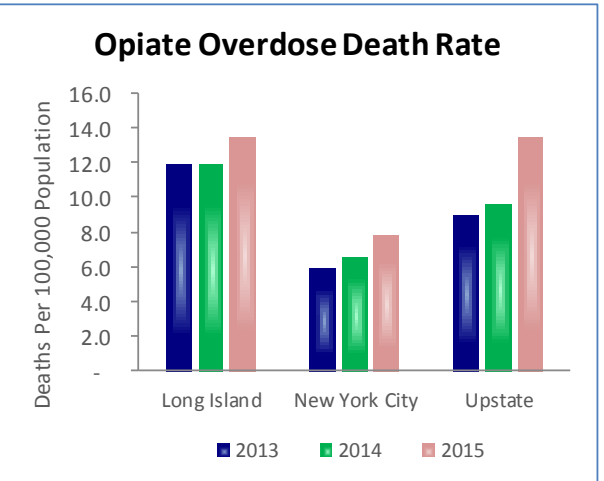
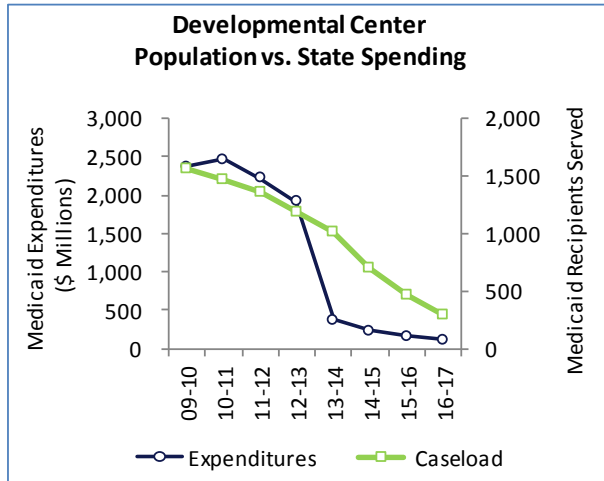
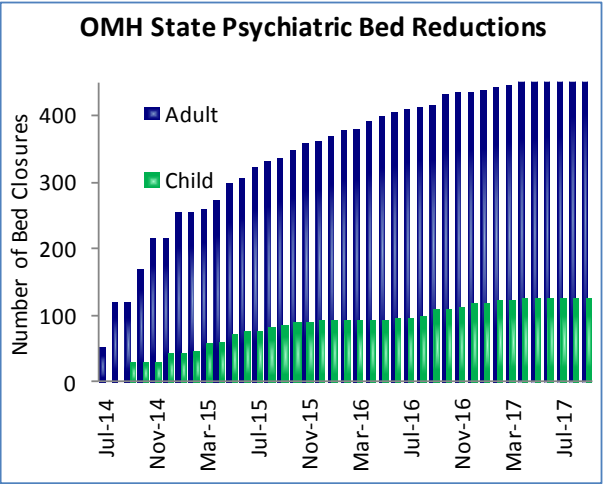
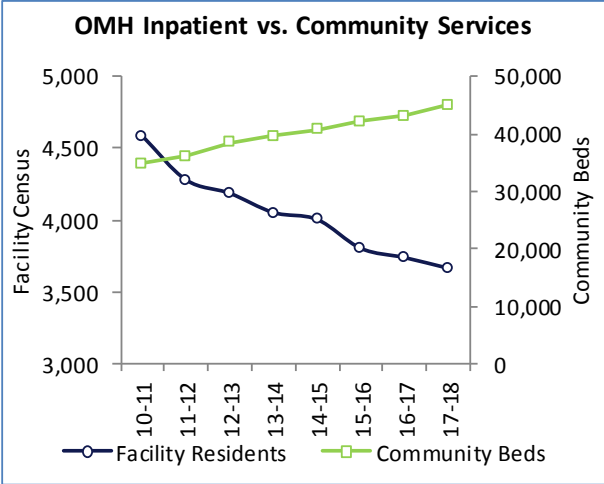
### **Climate and Community Protection Act**

The Caucus supports passage of the Climate and Community Protection Act in order to invest in frontline communities; develop local sustainability and resiliency plans, including a “Just Transition” fund to support communities and displaced workers impacted by the energy transition; and invest in creating good local jobs in clean energy. New York must protect our families’ health, create jobs, and invest in infrastructure—including clean energy solutions. In order to do this, we must make corporate polluters pay for the damage they do to our health and climate. We commit to climate sustainability with a just path towards 100 percent clean, renewable energy by 2050.



## **The Executive Budget: MENTAL HYGIENE**

- **Direct Care Worker Wages:** The Executive Budget includes a \$145.8 million state share to support a 6.5 percent wage increase for direct care professionals and a 3.25 percent increase for clinical staff funded by the Office for People with Developmental Disabilities (OPWDD) the Office of Mental Hygiene (OMH), and the Office of Alcoholism and Substance Abuse Services (OASAS).
- **Minimum Wage Funding:** The Executive includes a total of \$784.15 million in state share funding to support direct provider costs associated with the increase in the state's minimum wage, including \$703.2 million in the Department of Health; \$63.7 million in OPWDD, OASAS and OMH; and \$17.2 million in the State Education Department.
- **Office of Mental Hygiene (OMH) Facility Downsizing and Reinvestment:** The Executive proposal includes \$9.5 million in savings related to a reduction of state-operated inpatient beds, residential beds, and clinics. To increase services in the areas impacted by this downsizing, \$6.7 million is provided for community reinvestment.
- **Jail-Based Restoration Programs for Felony Defendants:** The Executive proposal includes \$1.69 million in net savings related to the development of specialized units in local jails to restore felony-level defendants to competency.
- **Office for People with Developmental Disabilities (OPWDD) Service Expansions:** An increase of \$30 million would support the creation of new service slots for individuals with disabilities, including an expansion of certified housing supports; rental subsidies to individuals living in an apartment; day programs; employment options; and respite services.
- **Opioid Epidemic Surcharge:** The Executive proposes a surcharge of two cents per morphine milligram equivalent on the sale of opioids into New York State, which would generate \$127 million to support ongoing efforts to address the opioid crisis. The Executive proposes over \$200 million in support for programs related to heroin and opiate abuse.



## **The People's Budget: MENTAL HYGIENE**

### **Mental Health Investments**

#### **\$12,000,000 for Gun Violence Prevention Program and Mental Health in Schools**

Currently many of our schools are dealing with mental health incidents that are materializing themselves through gun violence. A major reason why the encounters persist is the lack of preventative care and identification of the mental health illnesses. Instead of addressing the illnesses, schools have resorted to militarizing their teaching environments with more school security and metal detectors. Creating a safe school environment is important however we must simultaneously attempt to address the root of many of the gun violence problems in our communities, mental health issues.

Additional educational and personnel resources to schools are needed in order to have round-the-clock support for students who may be dealing with circumstances that require professional care. By increasing the number of social workers in our schools the Caucus believes that we would be able to improve not only the amount of care provided to our students, but also the quality of care.

#### **Social Work Investment**

People in need of services, including the homeless, victims of domestic violence, children and at-risk families, immigrants and refugees, people who are currently or formerly incarcerated, as well as people in need of behavioral health programs, have multiple, complex needs, including trauma-informed care.

In order to provide quality services that address the unique needs of each individual, assessments and interventions need to be appropriately and effectively implemented. Ideally, maintaining a well prepared, well-educated and trained human services work force requires licensed social workers in critical positions where there is direct contact with clients. There are numerous systems not sufficiently staffed as a result of inadequate financial resources and inability to fully implement the 2002 social work licensure statute, resulting in a bifurcated system of care.

In order to address this inequity among systems, and to enhance the capacity of human service programs to have professional social work staff, especially in situations where diagnosis and treatment of serious mental illness is required, we are proposing the Social Work Investment Initiative.

In 2002, after at least 28 years of negotiation between the legislature, stakeholder provider groups and trade associations, the practice of social work became one of the state's licensed professions. In doing so, a minimum standard of education, experience and exam requirements was established to assure that individuals providing mental health services, specifically, the diagnosis and treatment of mental illness, were qualified to do so.

Just prior to the passage of such legislation, several state agencies noted they would need time to move their workforce into compliance. As such, a temporary exemption from licensure (of 6 years beyond the delayed effective date of 2004) was included in the law for individuals in the employ of programs and services regulated, operated, funded or approved by the Office of Mental Health (OMH), the former Office of Mental Retardation and Developmental Disabilities now the Office for People With Developmental Disabilities (OPWDD), the Office of Alcoholism and Substance Abuse Services (OASAS) and local mental hygiene or social service districts. The list of “exempt agencies” was subsequently amended to add the Office of Children and Family Services (OCFS), the Department of Health (DOH), the State Office for the Aging (SOFA) and the Department of Corrections and Community Supervision (DOCCS).

Three additional extensions have been passed since the agencies reported they were unable to meet the dates for compliance, the last one passing in the 2015-16 budget giving the agencies until July 1, 2018 to meet the licensing requirements passed in 2002.

- \$4 million Loan Forgiveness Program for Social Workers specifically working in a currently exempt setting in an effort to mitigate the reportedly high rates of staff turnover in exempt agencies. Such an initiative would not supplant the current loan forgiveness program available to a broader array of social workers.
- \$18 million incentive program for currently exempt agencies to increase the number of licensed social workers available to provide supervision. This will provide for a stronger career track and also reduce reported staff turnover. Based on the Executive’s budget estimation that the cost of full compliance with the social work licensing law would be \$360 million, we have estimated that to hire a sufficient number of licensed supervisors in key service sectors that the governor’s office has identified would be 5% of this amount, or \$18 million. The cost was arrived at by assuming supervisors comprise 10% of the staff reflected in the total amount. It was further assumed that only 50% of the supervisors would need to be replaced by licensed staff.
- \$500,000 for the development and distribution of culturally sensitive and ESL test preparation to assist those who are vulnerable to, or have already, failed the exam.
- \$250,000 for the development and implementation of a workforce data collection survey to be utilized (upon mandate) by the NY State Education Department at registration and re-registration of all Article 154 licensees (Licensed Clinical Social Workers and Licensed Master Social Workers). This will assist us in better understanding where licensees are currently working and where gaps persist.





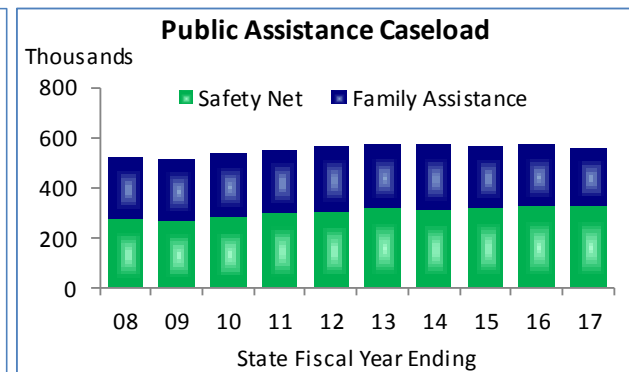
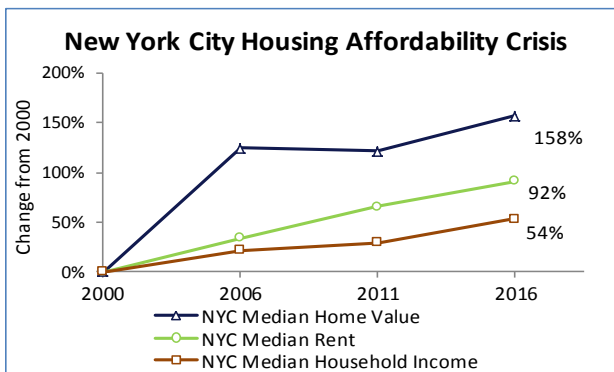
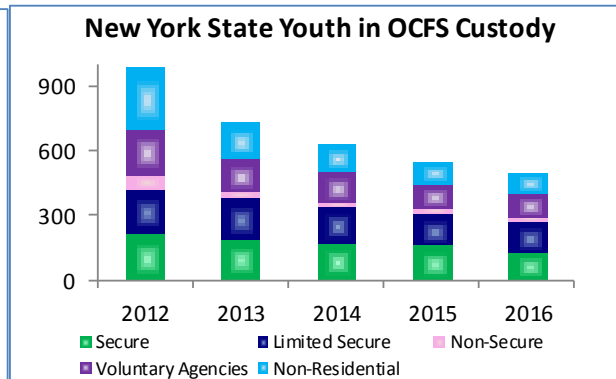
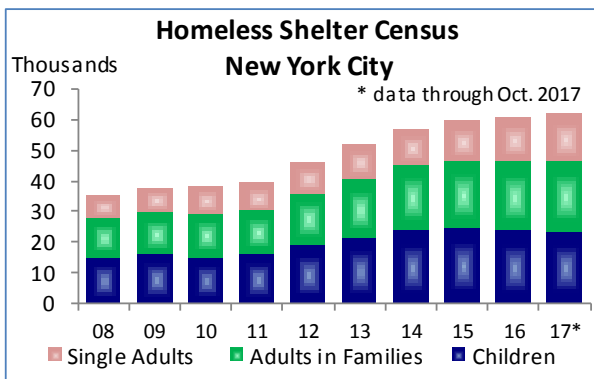
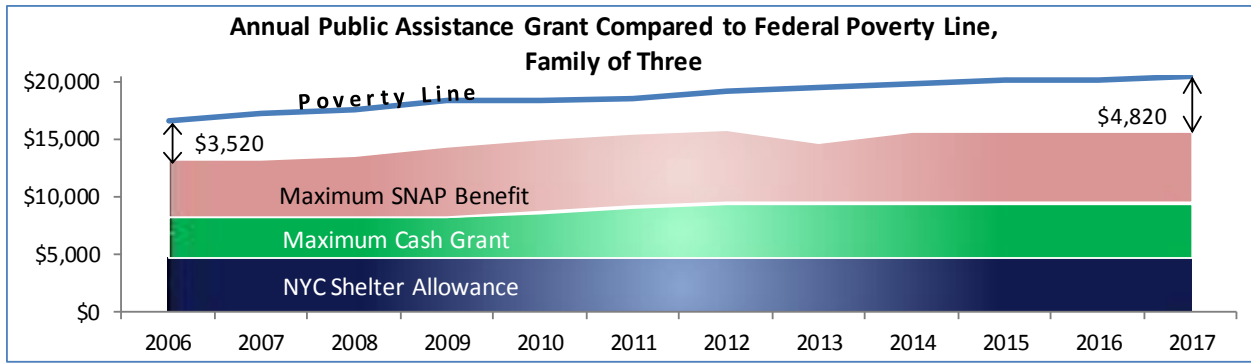
## **Latina Suicide**

Latina adolescent suicide has reached epidemic proportions in New York State and New York City. According to the 2014 CDC National Statistics Report, suicide is the second leading cause of death for Latina teens in New York State. Between 2006 – 2015, 23.5% of deaths of Latina teens ages 15 to 19 years old was by suicide. The Centers for Disease Control and Prevention Youth High Risk Behavior Survey (CDC YRBS) stated that in New York State, 22.9% of Latina teens seriously considered and 14.6% attempted suicide in 2015. That same year, 18.5% of Latina teens in New York City seriously considered suicide and 13.2% attempted suicide. Even more pervasive feelings among this population are “feeling sad or hopeless.” This is defined by the CDC as feeling sad or hopeless every day for two days or more in a row so that they stop doing usual activities. In the 2015 survey, the CDC reported that 42.9% of Latina teens in New York State and 40.9% in New York City felt sad or hopeless. Faced with this terrible situation in our communities, the Caucus supports a targeted \$1 million the New York State Budget.

## The Executive Budget: HUMAN SERVICES

- **Raise the Age:** The Executive provides \$100 million in local assistance appropriations and \$50 million in capital funding related to raising the age of criminal responsibility. The funding would support comprehensive diversion, probation, programming and placement services for 16 and 17-year old justice system-involved youth.
- **Child Care:** The Executive provides \$806 million for child care subsidies, an increase of \$7 million over the SFY 2017-18 funding level, and a restoration to SFY 2016-17 funding levels.
- **Consolidated Funding Application:** The Executive includes appropriations to establish a new Consolidated Funding Application (CFA), directing \$175 million in workforce investments via the Regional Economic Development Councils. The Executive proposes to create the Office of Workforce Development to manage all workforce investment programs including the new CFA.
- **Comprehensive Homelessness Plan:** The Executive adds appropriation language that would allow the Office of Temporary and Disability Assistance (OTDA) to withhold payments to local social services districts that fail to comply with an approved plan for homelessness outreach. Local social services district plans must be submitted and approved by OTDA and must identify goals and the measures used to evaluate success.
- **HIV/AIDS Rental Cap:** The Executive includes an appropriation and Article VII language that would allow counties outside of New York City to cap the rent for public assistance recipients living with a medically diagnosed HIV infection to 30 percent of their income. Public assistance recipients living with a medically diagnosed HIV infection in New York City already receive benefits through the rent cap program.





## **The People's Budget: HUMAN SERVICES**

### **Youth Services**

The Caucus supports the following investments in youth services:

- \$190 million in dedicated funds for afterschool programming, including \$51.9 million for the Advantage After School Program;
- At least \$52 million for the Summer Youth Employment program (SYEP);
- Invest an additional \$190 million in subsidized childcare. Specifically, \$90 million to fund New York State's implementation of new federally-mandated health, safety, professional development and quality requirements; as well as \$100 million to implement 12-month eligibility, provide childcare for children in homeless families, cover market rate increases and ensure no child loses a subsidy; and
- Invest \$100 million for the Community Reinvestment Program.

### **Child Care**

Protecting access to quality affordable childcare is essential to building a stronger economy and expanding opportunities for all New Yorkers. With federal and state standards for childcare providers becoming more rigorous, it is essential to adequately invest in health and safety programs for childcare providers as part of the FY2018-19 enacted budget.

### **Child Welfare Services**

The executive budget proposal includes a provision that would cap the state share of New York City's child welfare services. New York's child welfare financing structure, in place since 2002, incentivizes good outcomes by capping foster care reimbursement while reimbursing counties 62% of the costs for the services that keep children and youth safe and out of foster care. New York City has leveraged this funding stream to lower child protective caseloads, decrease juvenile justice detention and placement, and become a national model for its continuum of high quality, effective preventative services. Therefore, the Caucus opposes this cap that would cut reimbursement to NYC by \$65 million in FY18 and \$129 million in FY19 and effectively turn the successful open-ended funding stream into a block grant.

### **Expand Transitional and Public Service Jobs**

Widen access to transitional employment to better assist welfare recipients and the unemployed, while protecting against the displacement of existing public sector workers.



### **Employment and Training Opportunities**

The Consortium for Worker Education (CWE) provides essential training and workforce development programs that have had a positive impact on 43,000 workers throughout New York City. With training programs providing industry-recognized credentialing that leads to living-wage jobs in the fields of transportation, A/C refrigeration, systems maintenance, health care, advanced computer programming and the building trades, CWE is an essential resource and needs continued funding to increase credentials.

### **One Fair Wage**

The signature New York State accomplishment of the \$15 minimum wage was a big win for working families across New York State. While the Caucus is proud of our leading role in enacting this policy, we understand that some of New York's most vulnerable and low-wage workers will not benefit from the improved policy.

The sub-minimum wage for tipped workers is an unjust subsidy afforded to restaurants, hospitality, nail salons, and carwashes on the backs of working people, allowing these employers to pay wages far lower than the minimum when customers voluntarily leave tips. This system makes workers more vulnerable to wage theft and sexual harassment that is pervasive in these industries. The Caucus supports eliminating the sub-minimum wage for tipped workers.

### **Wage Theft**

This year's budget should implement a well-resourced effort to eliminate wage theft in our state. We can support and protect workers who report wage theft by substantially increasing penalties for retaliation, including revoking the right of exploitative employers to do business, and by adequately staffing the NYS Department of Labor (DOL). Moreover, the agency should be resourced to allow it to investigate the full 6 year statute of limitations period for all workers.

### **Workplace Schedules**

The Caucus supports legislation that aims to aid the lives of low- to mid-wage workers by providing them with at least seven days advanced notice of work schedules. This advance notice allows workers to plan for childcare, healthcare and other important family matters in a way that they may not currently be able to under current New York State law. At hiring, workers would also be provided with a statement as to the minimum monthly hours for which they would be scheduled to better plan for the financial aspects of their lives. Employers would face penalties from DOL and private causes of action for their failure to adhere to these provisions.

### **Retirement Savings**

Today, about 52% of New Yorker's ages 18-64 working for private sector employers do not have access to employer-offered retirement savings plans. The lack of retirement savings expands across all age groups, earnings and education levels, and is greater for communities of color.

It is projected in New York State that almost 34% of those nearing retirement are at risk of living in poverty. Minorities comprise nearly 47% of those in New York State without a retirement plan, with 67% of Hispanic workers and 52% of African-Americans without access to employer retirement plans. A secure and automatic way for everyone to save for retirement can prevent potential poverty later in life. In today's economy, Social Security does not provide enough for Americans to maintain the quality of life they are accustomed to before retirement, and navigating private sector plans is a daunting task for most individuals. Thus, the Caucus supports enactment of the Secure Choice Savings Act in the FY2018-2019 budget.

### **Citizens Committee for New York City**

The Citizens Committee for New York City provides community and school improvement grants for volunteer group projects. The Caucus advocates for funding from the Legislature in the amount of \$500,000 for this worthwhile initiative.

### **Cultural Sustainability Fund**

During a time of continuous threats to our local cultural organizations from the Federal government, the Caucus deems it important to find ways to strengthen these much-needed institutions. Thus, we are calling for a statewide sustainability fund for cultural organizations.

### **Seniors/Aging**

#### Enhanced Aging Community Services

The Caucus supports \$177 million in funds for enhancing aging community services. An increase in appropriations is essential in order to reduce waiting lists in these vital services. We must also ensure that that additional funds added do not require a match by local governments in order for the funds to be distributed. A multi-year investment of additional resources must be made to bring core services into alignment with the client population growth of the elderly community. This will also require sufficient funding to local offices for the aging to meet the minimum wage increases for home care workers.

#### Community Services for the Elderly

We need to increase funding for senior centers and for Social Model Adult Day Services (SADS) by \$25 million with no requirement of a local government match. Senior Centers are community focal points that not only provide helpful resources to older adults, but serve the entire community with information on aging; support for family caregivers, training professionals and students; and developments of innovative approaches to aging issues. Research shows that older adults who participate in senior center programs can learn to manage and delay the onset of chronic disease and experience measurable improvements in their physical, social, spiritual, emotional, mental, and economic well-being.



Senior Centers are a place of activity for seniors and activity participation is essential to quality of life. Activity reduces depression, reduces cognitive decline and enhances social connection. Unfortunately, the senior centers in my district lack the funding and resources to serve our community. An increase in the budget is needed to invest in our currently existing senior centers and to expand and build additional centers. SADS programs are designed to provide a variety of long term care services to older New Yorkers with functional impairments in a group setting and according to individualized plans. SADS are a cost effective, compassionate way for the state to avoid costly nursing homes placements.

#### Caregiver Supports

An additional \$30 million is necessary in order to create additional respite and caregiver support services.

#### **Minority and Women Business Enterprises**

In our great State of New York, we continue to make impressive strides to increase economic opportunity and equality for women and diverse communities of color. With a population comprised of nearly 18% African American, more than 18% Hispanic, and over 51% women, New York has an incredible opportunity to diversify representation and increase access when it comes to doing business in the state. Moreover, there are tremendous opportunities to increase the amount of contracts, capital, and resources to our minority and women owned businesses. We are excited by the progress that began in 2011 when Governor Cuomo established a statewide team to eliminate barriers and expand participation of Minority and Women Business Enterprises (MWBEs). However, more is needed in order to ensure equity in our communities.

#### Agency-Wide Feasibility Study

In order to provide technical assistance and capacity building for MWBEs in our communities, we advocate for an agency-wide feasibility study on capacity building and mentorship programs.

#### MWBE Outreach

The Caucus supports increased resources to expand the pool of certified MWBEs, such as appropriations for outreach.

#### Personal Net Worth

We must push to allow large-scale MWBEs that exceed the personal net worth and size threshold to qualify for the 30 percent state agency goal.

### **Community Development Financial Institutions**

In order to respond to dangerous federal attacks on people’s economic livelihoods, the Caucus supports a commitment of at least \$25 million for a first-in-the-nation state Community Development Financial Institutions (CDFI) Fund. The CDFI Fund would invest in low- and moderate-income neighborhoods not adequately served by mainstream banks. Public investment in mission-driven CDFIs is a sure-fire strategy for building the wealth of individual New Yorkers and communities, as CDFIs are in the business of providing an array of savings accounts and products, as well as responsible loans and financial counseling to support homeownership and small business development.





## **The People's Budget: HOUSING**

### **Low-Income Housing Tax Credit**

The Caucus supports increasing the State Low-Income Housing Tax Credit to support the financing of affordable housing developments. In the face of possible federal tax cuts, it will be even more important for the state to step up and ensure that low-income housing is protected. The Caucus recommends an increase in the amount of salable tax credits, which would augment the available funding for affordable housing construction. The Caucus also supports an increase the amount of federal low-income housing tax credits that are allocated to New York State.

### **Reduction in the Homeless Population**

Homelessness does not represent the failures of individual, and can often find its origins in the absence and inaccessibility of social and economic supports. The Caucus will continue to work aggressively to reduce homelessness across New York. Communities throughout the State have seen significant increases in homelessness, and the Caucus intends to help develop resources and initiatives, that, in their diversity, provide multi-layered solutions to the problem.

In New York State, the New York City Housing Authority along with other public housing authorities must work proactively to target their local homeless populations. While there was a strong commitment of funds last year to be put towards homeless housing, more work needs to be done. The state must fund current homeless housing programs at higher levels.

### **Public Housing Support**

Public housing developments statewide and those in New York City in particular, suffer from a stunning lack of capital support. Many of these public housing developments have fallen into serious disrepair and the support they have received has consistently fallen short of their need. There are budget line-items that are going towards NYCHA developments, but these may not be enough to make the necessary repairs to buildings that thousands of New Yorkers rely on. The state and city must commit to funding NYCHA repairs and developments at a level that will bridge gaps and take care of deficits that many public housing developments are facing.

As we face potential changes to federal aid to public housing, and deal with harsher temperatures during the winter, it has become even more necessary for the state to step up and continue to put funds towards renovating units. Further, it is vital that these funds be allocated to NYCHA directly, rather than require approval from DASNY and HCR—a process that impedes a timely start to these capital projects.

Some of the \$1.7 billion in unallocated funds from previous years should be put towards repairs, as NYCHA buildings age and repairs become even more necessary. It is essential to fully fund NYCHA’s existing capital project backlog for a more effective and fiscally sound response to the pressing needs of families living in the Authority’s housing.

### **NYCHA Funding**

NYCHA requires additional funding in budget for capital improvements at its developments across New York City. NYCHA has struggled in recent years to provide many of its residents with apartments that meet basic standards of livability. While NYCHA has committed to efficiencies to lower operating expenses and reduce the funding shortfall, and the City of New York has significantly increased funding since the beginning of the current mayoral administration, we must also continue to do our part to ensure that our constituents who are public housing residents are not forced to live in unacceptable conditions. Ongoing investment by all levels of government is needed to maintain acceptable living standards for New Yorkers who rely on this vital source of housing.

### **Rent Regulations**

Weak rent laws hurt affordable housing. We must work to strengthen the laws and close the loopholes so that tenants are able to feel secure in their homes and stay in their communities. Loss of affordable housing disproportionately affects low-income and communities of color. Rent-regulation is the largest source of affordable housing for low-and-moderate income tenants. Per advocates, in over 60 percent of rent-stabilized apartments, the households are Black, Puerto Rican, Hispanic or Asian, so we must prioritize rent-regulation in order to protect affordable housing stock.

- Vacancy Bonus - A954 (Kavanagh)  
The “vacancy” or “eviction” bonus allows huge increases of 20 percent or more in rent stabilized apartments upon vacancy. This means that tenants who want to move are faced with unaffordable rents in every neighborhood in the city, even in rent stabilized apartments. This bill would end the vacancy bonus, thereby protecting tenants.
- Preferential Rents - A6285 (Cymbrowitz)  
The preferential rent scheme has been a unique tool to assist landlords in raising rents by huge percentages during a tenancy. While preferential rents seems to be a good thing for tenants, preferential rents easily hide fraudulent legal rents and even when legitimate, weaken tenants’ right to renewal leases at increases approved by the Rent Guidelines Board.



### **Neighborhood Preservation Program (NPP)**

DHCR runs and funds the NPP program which provides assistance in housing rehabilitation, homebuyer counseling, tenant counseling, community rehabilitation, and other community-based assistance/programming. HCR also runs and funds the Rural Protection Program (RPP.) These programs are currently funded through about \$12 million of excess Mortgage Insurance Funds (MIF) and, over the past 3 years, received an extra \$6.7 million from the JP Morgan Settlement Fund. However, the JP Morgan Settlement Funds are set to expire in June 2018. In order to improve and maintain their standard of services across the state, NPP and RPP require a \$9 million increase in funding for a total of \$21 million for NPP and RPP.

### **Naturally Occurring Retirement Communities**

Naturally Occurring Retirement Communities (NORCs) and Neighborhood Occurring Retirement Communities (NNORCs) are age-integrated living environments not originally designated for seniors but are now home to a significant older population. Preserving and expanding the NORC program across New York State is essential in terms of keeping our aging population healthy, active, and social beyond medical programs that support seniors in our communities. Furthermore, in 2017, NYSOFA had pledged funding to three new NORC programs in an RFP that was later withdrawn. We cannot allow this to happen again, and we must ensure that these NORC programs are funded in the coming year. We must also introduce ongoing stable funding for this program.

### **Settlement Housing Funding**

The Settlement House Program (SHP) provides funding for settlement houses across New York State via the Office of Children and Family Services and the Office of Temporary and Disability Assistance. The settlement houses funded through SHP provide a wide array of services, including treatment and counseling services for sexually abused children, pre-teen youth programming, culturally competent domestic violence and prevention services, parent engagement, and family literacy programs. Given that the federal government has demonstrated how low of a priority social services are, it is critical that we protect funding for social services in our State. The SHP needs \$5 million of funding in order to fully fund its programs and to be more readily able to respond to the unique and evolving needs of our communities.

## The Executive Budget: TRANSPORTATION

- **Funding for NYC Subway Action Plan:** The Executive recommends \$254 million to fund half of the operating costs for the Subway Action Plan and \$174 million for half of the capital costs of the plan.
- **MTA Capital Plan Funding:** The Executive maintains the previous state commitment of \$7.3 billion to the 2015-19 MTA Capital Plan by making the fourth of five annually \$1.47 billion appropriations. The state commitment would now total \$8.6 billion including prior year appropriations and amounts proposed for the Subway Action Plan.
- **Local Capital Construction Programs:** The Executive proposal would continue appropriation levels of \$438.1 million for the Consolidated Highway Improvement Program (CHIPs) and \$39.7 million for the Marchiselli program. The Executive continues funding of \$100 million for PAVE NY, distributed through the CHIPs formula, and provides a continued \$100 million for the Bridge NY program.
- **Transit Operating Assistance:** The Executive recommends \$5.372 billion in annual support for transit systems, including the MTA, reflecting an increase of \$371 million or 7.4 percent from SFY 2017-18.
- **Cashless Tolling:** The Executive proposal would expand cashless tolling throughout the Thruway System by 2020.
- **MTA Funding from New York City:** The Executive proposes legislation that would require New York City to fully fund all capital needs of the New York Transit Authority; in cases of a declared emergency, New York City would be required to fully match state capital funding related to such emergency.
- **MTA Value Capture:** The Executive proposes legislation that would allow the MTA to access up to 75 percent of the incremental increase in taxes on properties that were developed along certain transportation improvement sub districts.



## **The People's Budget: TRANSPORTATION**

### **Accessibility**

The Metropolitan Transportation Authority operates the least accessible subway system in the country for people who require stair-free station access. Thirty years after the passage of the Americans with Disabilities Act of 1990, only 23% of New York City's subway stations offer elevators. This creates severe limitations on the trip-making abilities of the elderly, people with disabilities, and others who find it difficult or impossible to maneuver crowded subway stairs. The problem is acutely felt in neighborhoods of color in the Bronx, Brooklyn, Queens, and Upper Manhattan, where gaps between accessible stations are the longest.

It is an urgent priority to increase the number of accessible stations to allow all riders equal access to social engagements, jobs, housing, schools, and health care. Yet the pace of new elevator construction has been unacceptably slow and opaque. Therefore, the Caucus supports a 2015-2019 MTA Capital Program amendment to allocate \$50 million to contract a minimum of ten (10) additional elevators in currently inaccessible high-priority stations during 2018 and 2019. Priority stations should be determined based on a set of public criteria, including ridership, demographic data, and gaps between accessible stations.

### **AirTrain**

The AirTrain to JFK Airport is a great improvement that must be replicated for LaGuardia. It provides not only a route for travelers to reach the airport but also lowers the cost for the low income airport workers to reach their jobs. The AirTrain improves air quality by reducing the number of car trips taken in an area where air quality is already below the federal standards for ozone and other air pollution. We must ensure the budget includes provisions to have local Queens MWBE Vendors and the local labor force involved in the project. We should use Citi Field as the model for using local vendors and workforce. This would ensure that the project, which will impact the residents of Queens, will have a positive impact on Queens' economy.

Finally, the AirTrain must also be built on existing rights of ways without the use of condemnation proceedings to take homes or businesses. In addition, Port Authority pay for its labor force is inadequate. Workers are paid at a salary that is not a livable wage in New York City. We must provide a pay raise for Port Authority labor force.

### **Freedom Ticket Initiative**

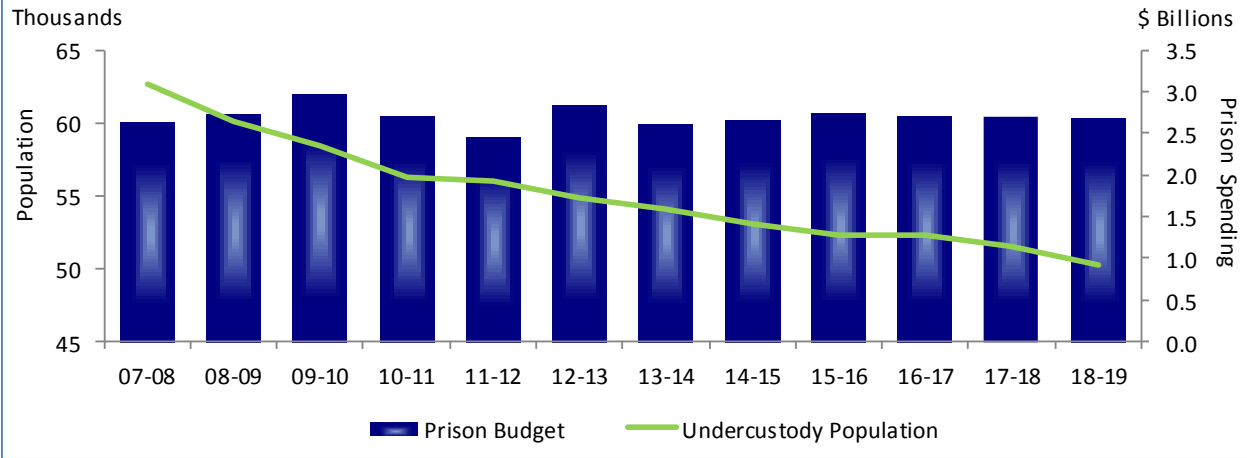
This plan would reduce commuter fares for the LIRR and MetroNorth trains to a flat fee, which would be significantly lower than paying for individual round trip plans on commuter rails per day. The plan would work similar to the way modern day MetroCards do and would work across all five boroughs, beginning in Southeast Queens as a proof of concept implementation and throughout the metro region by 2021.

## The Executive Budget: JUSTICE

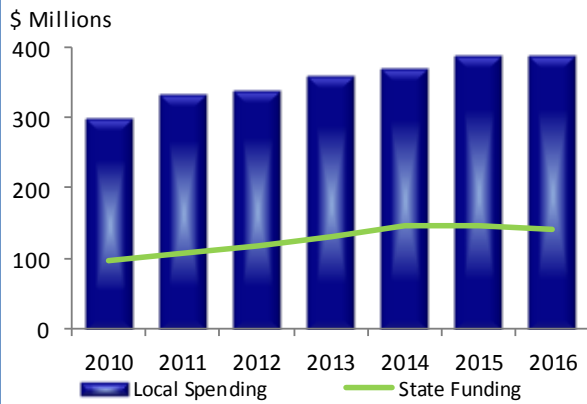
- **Indigent Legal Services Expansion:** The SFY 2017-18 budget established a multi-year plan to improve the quality of public defense services statewide, with the state supporting 100 percent of the incremental local costs. The Executive Budget includes \$50.7 million to support the first year of the statewide *Hurrell-Harring* initiative, with full implementation costs projected at approximately \$250 million.
- **Gang Prevention:** The Executive Budget provides \$11.5 million to support a comprehensive strategy of engaging at-risk youth in social and educational programs in order to interrupt the MS-13 recruiting pipeline.
- **Bail and Pre-trial Detention Reform:** The Executive proposes legislation to create a presumption that people facing misdemeanor and non-violent felony charges be released without requiring cash bail. Monetary bail would be permitted, but not required, in remaining cases after an individualized assessment of the case, including personal and financial circumstances.
- **Improve Access to a Speedy Trial:** The Executive proposes legislation to limit the issuance and duration of speedy trial waivers; require court reviews of statements of readiness by the prosecution; and require that a motion to dismiss be made at least 20 days before the trial begins.
- **Modify the Discovery of Evidence Process:** The Executive proposes legislation that would require prosecutors and the defense to share evidentiary information under certain time frames prior to the start of the trial.
- **Reduce Barriers to Re-entry:** The Executive proposes legislation to remove certain suspensions and bans on driver's licenses and occupational licenses; to expand opportunities for geriatric parole, merit release and limited credit time allowances; and to eliminate the parole supervision fee.
- **Child Victims Act:** The Executive proposes legislation to eliminate criminal statutes of limitation for all sexually-related felony offenses when committed against a person who is less than 18 years of age. In addition, the proposed legislation also extends the statute of limitations for civil claims alleging sexual abuse to 50 years from the date of the offense.



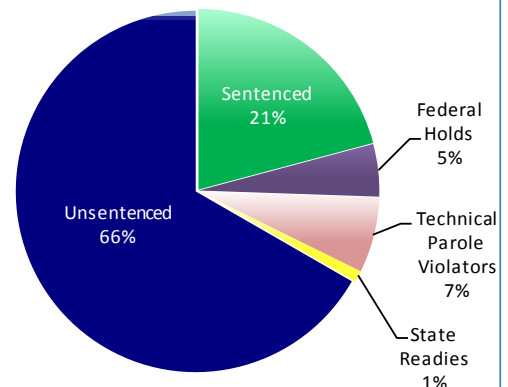
### NYS Undercustody Population vs. Prison Spending



### Indigent Legal Services Spending



### New York's Local Jail Population



## **The People's Budget: JUSTICE & IMMIGRATION**

On January 3, 2018, Governor Cuomo stated that “race and wealth should not be factors in our justice system.” The Caucus wholeheartedly agrees, and stands ready to work with all partners to achieve the following reforms in order to achieve equity in our justice systems.

### **Bail**

#### **Limiting Pretrial Detention**

The Caucus supports limiting the eligibility for pretrial detention, ensuring that people charged with misdemeanors and low level felonies do not find themselves detained until trial without the option of release. We support the governor’s assertion that this form of detention should only be available if a person has a significant risk of flight or poses a real threat to public safety, and will continue to advocate for a final policy that will not ensnare countless people posing neither of these risks.

Much as the state bears the burden of proving its case beyond a reasonable doubt, it must bear the burden of demonstrating that detention is necessary. A framework that creates presumptions of detention is inconsistent with the constitutional right to the presumption of innocence. There must be separate hearings for these types of cases, so that the judge can evaluate the strength of the evidence, and there must never be a presumption of detention.

Additionally, prosecutors must not have unfettered power to detain someone until their hearing date. Not only does this deprive the accused of the zealous advocacy they are entitled to at their first appearance; but the unchecked power it grants to prosecutors opens the door to abuse. Judges must retain the discretion to decide whether to release or detain someone at first appearance.

#### **Profit**

The Caucus stands firmly against the economic exploitation of the poor, and seeks bail reform that removes profit from the pretrial process. It leaves the door open to the privatization of pretrial supervision, and saddling people with the costs associated with their pretrial supervision, like GPS monitoring. It does not address the for-profit bail bond industry, which routinely exploits the poor. We must stop the practice of low-income communities of color having their wealth transferred to private entities or the state through pretrial supervision and detention decisions. The courts must bear the cost of any and every condition that is imposed on a person, and the for-profit bail bond industry must be abolished.





### Data Collection

To ensure reform achieves its objective, the Caucus supports statewide data collection and reporting on pretrial practices. Currently, there is no statewide data collection process for bail practices. Data should be collected regarding: the amount and type of bail that prosecutors request; whether defense attorneys ask for alternative forms of bail; and the judge's reasoning when making their bail determination. The absence of standardized data and reporting across the state hinders accountability and limits transparency.

### **Discovery**

The Caucus advocates for strong discovery reform that ensures greater transparency and fairness, and ends the practice of defendants having to choose between pleading guilty or receiving evidence. Aligning with the recommendations of the New York State Bar Association and the NYS Justice Task Force, true discovery reform requires early and automatic disclosure of all evidence, including the names and contact information of all witnesses who have information relevant to the case, as well as early disclosure of all witness grand jury minutes, regardless of whether they will testify at trial. We also lift our voices in opposition to granting the prosecutor a right to redact evidence without having to show good cause for a protective order. Lastly, we believe that final enactment of discovery reform would not mandate that the defense turn over any evidence until the prosecution has completely met their discovery obligation and has filed a certificate of compliance stating so.

### **Speedy Trial**

The Caucus continues to support trial reforms that bring justice for all parties in a swift manner. We remain committed to addressing underlying structural problems like the prosecutorial readiness rule, and shall work to ensure that someone charged with a misdemeanor is not unreasonably incarcerated for months on end with no avenue for release. Any release provision, no matter where it is, should include tiered time frames based on the severity of the charge.

We also support the attorney-client relationship and hold that any reform should respect the rights of the accused rather than mandate waivers of speedy trial time. Such a provision would undermine the attorney-client relationship and prevent defense attorneys from doing their jobs, including participating in plea negotiations.

Lastly, we advocate for a final proposal that does not place restrictions on when speedy trial motions can be filed. Such restrictions not only deprive the accused of time which could be included in a speedy trial calculation, but they wrongfully presume that the prosecutor will be ready on the next date. It would amount to a significant step backwards even from current practice if people would be obstructed from invoking their constitutional right to speedy trial.

## **Reparative Justice | Drug-Related Offenses**

### Racial and Ethnic Impact Statements (S5921 Parker/A7519 Walker)

Historically, minorities are overrepresented in New York's correctional population, as racial disparities occur at every stage of the criminal justice system. While the state of New York has effectively reduced the total prison population through the adoption of alternative-to-incarceration programs and other forms of diversion, the racial disparities in the correctional population remain an indefatigable aspect of the justice system. A plausible cause of the continued racial disparities is the enactment of sentencing laws without review of the potential impact on minority populations. Race-neutral legislation can disparately and negatively affect minority groups in practice, regardless of intent. New York State can remedy this through requiring racial and ethnic impact statements.

### In-Prison Opioid Agonist Therapy Treatment (A8774A Rosenthal)

This legislation would establish a program for the use of medication assisted treatment for inmates in both state and county correctional facilities.

### Opioid Surcharge Investment

The executive budget proposal includes a provision for an Opioid Epidemic Surcharge for opioids sold in New York State. This measure is expected to provide roughly \$125 million to support ongoing efforts to address the opioid crisis. The Caucus proposes that the surcharge be increased by 1 cent, and that a percentage of the profits be reinvested in communities most impacted by drug-related mass incarceration and the enforcement of the Rockefeller Drug Laws.

### Ending Marijuana Prohibition (S3040B Krueger/A3506B Peoples-Stokes)

The Marijuana Regulation and Taxation Act would reduce criminalization and justification for law enforcement interaction, work to repair the harms of the marijuana arrest crusade, and reinvest in the communities most harmed by prohibition enforcement. Marijuana prohibition has not been effective in its stated goal of stopping or curbing marijuana use across New York State. Instead, prohibition has fueled the growth of an illicit industry, has been disproportionately enforced in communities of color, and has been fiscally irresponsible.

### Certificates of Relief (S05561 Alcantara/A01052 Richardson)

Criminal records result in a host of unintended consequences, including barriers to reentry so that even when the sentence is served and the parole supervision has been completed successfully, the barriers remain. These barriers include legal discrimination from employment, licensure, housing, voting rights, and other aspects of everyday life. Some post-conviction disabilities can be relieved by obtaining a "Certificate of Relief from Disabilities" or a "Certificate of Good Conduct" issued by the Department of Corrections and Community Supervision.



These certificates can demonstrate to prospective employers and landlords that a formerly incarcerated person has lived crime free since being released from prison. They can also be offered as proof to local boards of election that the right to vote has been restored.

Unfortunately, we have a costly and cumbersome process to issue one of two different kinds of certificates with different requirements and waiting periods for differently situated offenders. Under current law, a person must wait until three years or five years after release from incarceration before being allowed to apply for a certificate. At that point such person has often completed supervision and is no longer reporting regularly to his or her parole officer, thus requiring an investigation to be commenced to determine if such person meets the criteria for receiving a certificate. This bill improves the process for obtaining these certificates for people who have been granted early or discretionary discharge from community supervision, which may only occur when the board of parole is satisfied that absolute discharge is in the best interests of society and consistent with public safety. By granting such certificates at the time of early discharge from supervision for good behavior, the Department is saved the human and financial resources of a subsequent investigation. This bill does not increase the number of individuals eligible for either certificate, but should increase the number of certificates actually issued. This bill sensibly grants the certificate at the time of discretionary discharge for those individuals whose extraordinary performance earned them early discharge from supervision.

### **Raise the Age Funding**

Building upon the successful campaign to raise the age of criminal liability last year, the Caucus turns its attention towards ensuring that funding for successful implementation of this new law is distributed fairly across the state, including New York City.

### **New York State Defenders Association**

#### Raise the Age Training

With pending implementation of the Raise the Age legislation, it is imperative that we ensure that public defense attorneys across the state are able to provide quality representation in cases that fall within the scope of this new law. Thus, the Caucus supports an allocation of \$420,900 to the New York State Defenders Association to implement statewide and regional training programs.

#### Public Defense Backup Center

Since 1981, NYSDA has contracted with the state to operate NYS's Public Defense Backup Center, which provides support services to the over 130 county public defense programs and the over 6,000 attorneys who work within those programs. The Caucus supports a total FY2018-2019 budget allocation of \$2,089,000 for this vital service.

### Veterans Defense Program

The Veterans Defense Program (VDP) provides in-depth training, support, and legal assistance to engender informed and zealous representation of veterans and service members in criminal and family courts. The VDP helps the most vulnerable of our veterans by assisting defense attorneys to represent clients who have military-related mental health issues, and facilitating treatment to heal veterans' war wounds. Thus, the Caucus strongly advocates for funding in the amount of \$500,000 in the enacted budget.

### **Close to Home**

The executive budget proposal reauthorizes Close to Home, but eliminates all state support—currently up to \$41.4 million annually. As counties across the state begin planning for implementation of Raise the Age and the influx of 16 and 17-year olds into their juvenile justice system, it is imperative that the state restore funding for this vital initiative that has aided in a decline in juvenile arrests by 52% in New York City, drops in detention by 37%, and a placement admissions drop of 77%. With juvenile placement expected to triple in size in New York City, now is not the time to cut this much-needed funding.

### **Reentry**

Reentry efforts should be strengthened and expanded to include more people. The governor's reentry proposal is a step in the right direction to reducing the prison population and helping people successfully reintegrate into society. The proposal allows merit time to be earned for completing college coursework, removes certain employment restrictions for people with convictions, and has geriatric parole for inmates who are affected by age related issues. However, we believe these reforms could go further. The geriatric release should include a broader class of people over the age of 55, not just those suffering from debilitating diseases.

### Fair Chance Act

A statewide "Fair Chance Act," which prohibits employers from making any inquiry into or mention of an applicant's criminal record until after a conditional offer of employment has been made, would ensure applicants with criminal records are not shut out of the job market or driven into the underground economy.

### Parole

Reentry reform must address how people accused of violating parole are adjudicated. The fact remains that people accused of violating conditions of their parole are contributing to mass incarceration in New York prisons and local jails. The majority of people under parole supervision in New York are returned to prison, and the overwhelming majority of those people are re-incarcerated on technical violations, not rearrests. People accused of violating parole are the only population seeing a growth in numbers in New York City jails.



True reentry reform must, at the very least, include: shortening parole terms overall, incentivizing good behavior by allowing people to earn accelerated discharge, creating a high legal threshold for jailing people on parole for minor offenses and expedite their hearings, and not jailing people for technical violations.

**Special Prosecutor (*A4878 Perry*)**

This bill would enshrine in law the office of the special prosecutor within the Department of Law (the Attorney General) to investigate and prosecute criminal cases against police and peace officers where a person dies as a result of an encounter with a police or peace officer. In such cases, the bill would also require the court to disclose the charges and the legal instructions submitted to the grand jury. The court would provide the prosecutor an opportunity to be heard on the matter and the court would be required to redact any identifying information before disclosure.

**Grand Jury Reform (*S5424 Bailey/A4877 Heastie*)**

This legislation is designed to increase transparency in grand jury proceedings when the court determines it is in the public interest. Specifically, the bill would allow a court to release the grand jury record in cases where a felony indictment is dismissed and the public is already likely aware of both the existence of the grand jury proceedings, and the identity of the named defendant. The record would be subject to redaction of personal identifying information before release. The court would be required to provide the prosecutor and any other relevant agency an opportunity to be heard on the issue of disclosure. Further, the bill would require the court to consider a variety of factors in determining whether or not disclosure is appropriate, including the impact on current or future criminal investigations, the privacy rights of the jurors, and any threats to public safety. Additionally, it would allow the judge to be present in the grand jury room, and to assign an interpreter to interpret testimony for grand jury witnesses who are not proficient in the English language.

**Wrongful Conviction Reform (*S4826 Bailey/A4239 Lentol*)**

This bill would require the recording of interrogations in certain cases, including A-1 felony offenses and violent felony offenses. It would enact a series of new requirements for photographic arrays and live-lineup procedures designed to protect against suggestiveness and help assure the accuracy of eyewitness identification.

**Ban Racial Profiling by Law Enforcement (*S6555 Alcantara/A4879 Bichotte*)**

This legislation would prohibit law enforcement officers from using racial and ethnic profiling during the performance of their duties. Specifically, it would require law enforcement agencies to adopt written policies prohibiting racial profiling, to develop procedures for complaints and corrective action, and to collect and report data about the agency's motor vehicle and pedestrian stops.

It would also establish a mechanism for either an individual or the Attorney General to seek injunctive relief and/or an action for damages against any law enforcement agency that engages in racial profiling.

**Judicial Diversion (*A4237 Richardson*)**

This bill would expand the availability of judicial diversion for drug treatment to include offenses such as conspiracy in the fourth and third degrees (where the underlying crime is otherwise eligible for diversion), auto stripping in the second and first degrees, and identity theft in the second and first degrees. According to legal defense practitioners, these non-violent crimes are commonly committed by individuals needing money to support their substance use disorder. Additionally, it would change the term “substance *abuse*” as it currently reads in the Criminal Procedure Law to “substance use,” terminology that is defined in the DSM-5 and is utilized by psychiatrists, psychologists, and substance abuse treatment professionals.

**Prosecutorial Conduct (*S2412D DeFrancisco/A5285C Perry*)**

The purpose of this legislation is to create the commission on prosecutorial conduct, to serve as a disciplinary entity designated to review complaints of prosecutorial misconduct in New York State, to enforce the obligation of prosecutors to observe acceptable standards of conduct, and to establish reasonable accountability for the conduct of prosecutors during the performance of their functions, powers and duties as prosecutors. The commission on prosecutorial conduct is modeled after legislation that established the state commission on judicial conduct.

**Solitary Confinement (*A1610 Rozic/S4795 Lanza*)**

It is well documented that the use of isolation is particularly devastating for those suffering from severe mental illness and New York State has implemented sweeping restrictions on its use for seriously mentally ill inmates. The use of isolation is also potentially dangerous in the case of pregnant incarcerated women because it can impede access to timely medical care, prevent regular exercise and movement, and can exacerbate symptoms of stress and depression.

This legislation codifies in New York state law the prohibition against the use of solitary confinement for pregnant inmates, and is a critical reform measure designed to protect the health and safety of pregnant women while they are incarcerated.

**Ban the Box (*S2425A Carlucci/A2343 Aubry*)**

Legislation to “ban the box” would establish that conditional offers of employment must be made prior to an employer inquiring whether an applicant has a criminal history. This provision would not apply when a criminal background check is required or permitted by law.



## **Operation SNUG**

Operation SNUG ("guns" spelled backwards) has been implemented in 10 cities across New York State. The program's mission is to stop shootings and killings in communities experiencing disproportionately high rates of gun violence. Reputable peers act as mediators for high risk individuals, intervening to stop violence before it occurs. Neighborhood based coalitions of residents, religious leaders and law enforcement work together to change behaviors and social norms that perpetuate violence.

The program was founded in 2009 as a state legislative initiative with programs in Albany, Buffalo, Niagara Falls, Rochester, Syracuse, Yonkers, Mt. Vernon and the boroughs of Manhattan, Queens and Brooklyn in New York City. It offers services such as case management, mentoring, anti-aggressive therapy, family counseling, vocational training, drug and alcohol counseling, and, in some cases, even parent counseling. SNUG has been successful, and has expanded to include additional participants since the start of the program. The Caucus supports continued expansion through a budget allocation of \$12 million.

## **Fund the Promised Legal Defense for Immigrants**

Governor Cuomo boldly promised legal assistance to immigrants, a desperately needed service as the federal government prepares to cast a very wide net in immigration enforcement. At a rough estimate, \$30 million could provide legal services for 10,000 a year, and \$60 million could provide services for 20,000 a year. The governor and the legislature should evaluate the need and provide adequate funding to make this promise a reality.

## **Deportation in Criminal Cases**

The Caucus supports enactment of the Plea Agreement Immigration Consequences Disclosure Act. Upon passage, courts would be required to inform a defendant that if he or she is an alien and he or she is convicted of a crime, whether by plea or trial, such conviction may result in his or her deportation. The legislation would allow a withdrawal of a plea of guilty by an alien if such alien is threatened with deportation and such person is not so advised of such threat of deportation.

## **One Day to Protect New Yorkers Act (*S4294 Alcantara/A4881 Crespo*)**

This legislation would make a minor change to the New York penal law, reducing the maximum sentence for an A misdemeanor by one day—from 365 days to 364 days. By doing so, a number of the harsh immigration consequences, like mandatory detention and deportation, that can result from certain misdemeanor conviction would be reduced or eliminated.

### **Drivers Licenses for All**

New York currently prevents hundreds of thousands of otherwise-qualified residents from obtaining a license because of immigration status. This puts many people who must drive to get to work, drop kids off at school, or get to a doctor, at risk of traffic stops that can lead to arrest, deportation, or even death. New York must protect immigrants by restoring access to driver's licenses to all, which will also create a reliable revenue stream and enhance public safety by allowing all drivers to obtain insurance coverage.

### **GENDA (*S7010 Hoylman/A3358 Gottfried*)**

Transgender and gender non-conforming individuals face unique and widespread bigotry and discrimination. From restroom and locker room restrictions, to adverse employment outcomes, to being victims of violent crimes, transgender individuals face discrimination on a number of fronts. GENDA would add gender identity and expression to the list of protected identities in New York, making discrimination against transgender people illegal; crimes targeting someone based on gender identity and expression would also be deemed a hate crime.





## **The Executive Budget: TAXATION**

- **Response to Federal Tax Reform:** No legislation is included to address new limits on deductibility of state and local taxes, as required by recent changes in federal tax law. Instead, the Department of Taxation and Finance has prepared a preliminary report to outline options for state tax reform that includes options for additional opportunities for charitable contributions to New York State and the creation of a statewide payroll tax, as well as the option to add tax deductibility through a new statewide unincorporated business tax.
- **Tax Cuts and Credits:** The Executive proposal would enhance the New York Youth Jobs Program by increasing the employer credit amounts and provide an increase in the vending machine sales tax exemption.
- **Tax Reforms:** Executive proposals include: closing the carried interest loophole; requiring online marketplace providers to collect sales tax; extending the right to appeal adverse tax tribunal decisions to the Tax Department; ending the sales tax exemption for Energy Service Companies; providing sales tax responsibility relief for certain LLC owners; simplifying taxes on the resale of prepared food; converting the veterinary sales tax credit into an exemption; simplifying the taxation of state-owned land; and clarifying residency requirements.
- **Enforcement Initiatives:** The Executive proposes to: expedite processing of child care tax credit payments; extend the statute of limitations on amended tax returns; provide for employee wage reporting consistency; allow warrantless tax debt to be assessed against unclaimed funds; improve cigar tax enforcement; and provide for consistency within the real estate transfer tax.
- **Tax Law Extenders:** The Executive proposes to extend the Hire-A-Vet Credit for two years and to extend the telecom mass property assessment for four years.
- **STAR Program Actions:** The Executive proposes to: maintain Basic and Enhanced STAR benefits at existing levels; make participation in the Income Verification Program mandatory; require manufactured home parcel reporting; and require filing of real property transfer reports.
- **Other Revenue Actions:** The Executive proposes to: defer business related tax-credit claims; impose a health tax on vapor products; and establish an opioid epidemic surcharge.

## **The People’s Budget: TAXATION**

### **Millionaires Tax**

New York’s tax brackets are based on income distributions from the 1970s and 80s. In order to reflect explosive income gains by those at the very top—as well as address the wide income inequality in the state—tax brackets must be adjusted upward. New progressive brackets at \$1 million, \$5 million, \$10 million and \$100 million per year would raise \$2.3 billion per year.

### **Social-Impact Fee | Opioids**

New York is facing a deadly public health crisis of addiction and overdose, driven by prescription painkillers and other narcotics. As previously noted, the executive budget proposal includes a provision for an Opioid Epidemic Surcharge for opioids sold in New York State. This measure is expected to provide roughly \$125 million to support ongoing efforts to address the opioid crisis. The Caucus proposes that the surcharge be increased by 1 cent, and that a percentage of the profits be reinvested in communities most impacted by drug-related mass incarceration and the enforcement of the Rockefeller Drug Laws.

### **Recapture – Unincorporated Business Tax (UBT)**

A state surtax on high-dollar pass-through LLCs could raise over a billion per year without negatively impacting small businesses or freelancers. At a time when many people will be looking to start such corporations to game the new tax law, this should be coupled with an increase in LLC filing fees both to raise revenue and discourage gaming.

### **Claw-back Tax**

Multinational corporations are executing hundreds of billions of dollars in stock buybacks, providing returns to rich investors—not their workers. New York should impose a “claw-back tax” on publicly traded companies that received tax breaks but do not create jobs or raise pay of workers. The state should exempt small businesses or startups from this measure that could raise a billion per year and/or compel companies to do the right thing for New York’s working families.

### **Reinstitute Stock Transfer Tax**

Large banks and Wall Street traders get the biggest benefits from the new federal tax law. In fact, New York still collects a multi-billion-dollar (\$13.8 billion per year) Stock Transfer Tax, but it is currently fully rebated back to the brokers. It is possible to exempt small investors while imposing a negligible transfer tax on high-frequency and high-dollar trades. Rebating 60 percent of the tax, rather than the full 100 percent could raise \$5.5 billion per year.



**New York City Land Tax**

New York City real estate has soared in value, while the transportation, infrastructure, housing and energy systems that make it so valuable have suffered. We can create thousands of jobs all over New York with funding from a reasonable land tax on just the most valuable Manhattan office buildings and speculative luxury housing that could well over a billion dollars.

**Carried Interest Loophole**

Congressional failure to close the carried interest loophole—despite bipartisan support—underlines the great need for state action. We must authorize New York to tax carried interest profits on the same footing as the amount lost to the federal loophole. This change would raise an additional \$3.5 billion per year.