



2018 ANNUAL REPORT

New York State Assembly

Carl E. Heastie

Speaker

Committee on

Education

Catherine Nolan

Chairperson





THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRWOMAN
EDUCATION COMMITTEE

COMMITTEES
Rules
Veterans
Ways & Means

Corporations, Authorities & Commissions

CATHERINE NOLAN
37TH Assembly District
Queens County

December 15, 2018

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

Dear Speaker Heastie:

I am pleased to submit to you the annual report for the Assembly Standing Committee on Education. It is an honor to serve as the Chair of this Committee and help advance education policies that best help our students succeed. Thanks to your leadership, the Committee continued to substantially invest in all of our schools, especially our most struggling schools.

The 2018-19 budget increased General Support to Public Schools funding by \$914 million for a total of \$26.6 billion. The budget provided a \$618 million increase in Foundation Aid for a total of \$17.8 billion. The budget also provided an additional \$50 million in Community Schools funding, for a total of \$200 million.

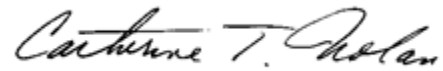
In order to better understand the current state of New York's school health, mental health and physical education programs, services and instruction, the Committee convened a hearing to examine how schools are meeting state requirements and providing programs and services to meet their student's health and mental health needs.

Throughout the 2018 legislative session, the Assembly Majority advocated for a variety of important educational measures. In response to the disturbing reports of child abuse in nonpublic schools, we passed legislation that requires all school districts, nonpublic schools, charter schools, boards of cooperative educational services (BOCES), 4410s, 4201s, 853 schools, and Special Act School Districts to report allegations of child abuse in an educational setting (Chapter 363 of the Laws of 2018). This legislation finally closes the loophole and ensures that all students, no matter where they go to school, are protected from abuse. The Assembly also secured \$2 million in the 2018-19 enacted state budget for the Supportive Schools grant program to help school districts improve school climate, safety, and implement the Dignity for All Students Act through technical assistance and district grants.

As we move forward into the 2019 legislative session, the Committee will continue to work to ensure the best for all of our students in the many city, suburban, and rural school districts across

the state. On behalf of the Committee, I want to thank you for your support and leadership throughout this legislative session, and I look forward to the 2019 session.

Sincerely,

A handwritten signature in cursive script that reads "Catherine T. Nolan".

Catherine Nolan
Chair
Committee on Education

**2018 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON EDUCATION**

**Catherine Nolan, Chair
Committee Members**

Majority

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Steve Englebright
Carmen E. Arroyo
William B. Magnarelli
Amy R. Paulin
Philip R. Ramos
Michael R. Benedetto
Daniel J. O'Donnell
Michele R. Titus
Michael Miller
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Ranking Minority Member
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David G. McDonough
Peter Lawrence
Mary Beth Walsh
Melissa Miller
John K. Mikulin
Jake Ashby

Majority Staff

Maria Volpe-McDermott, Assistant Secretary for Program and Policy
Benjamin Decker, Associate Counsel
Brittany Stinson, Committee Clerk
Jeannine Barcher, Program and Counsel Executive Secretary

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I. INTRODUCTION

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

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

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

During the 2018 Session, 621 bills were referred to the Education Committee. The Education Committee has broad jurisdiction over all aspects of public education. This report provides a detailed examination of the Committee’s budgetary and legislative achievements in 2018.

II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS

A. STATE BUDGET HIGHLIGHTS

The Legislature modified the Executive's budget proposal to increase funding for General Support for Public Schools (GSPS) by \$914 million for a total GSPS of \$26.6 billion for the 2018-19 school year. This is an increase in formula based aids of \$859 million or 3.41 percent for the 2018-19 school year. The increase in GSPS funding provided a \$618 million increase in Foundation Aid for the 2018-19 school year, which reflects an increase of \$262 million over the Executive's proposed increase. The Legislature also provided \$28 million to unfreeze the reimbursement of expense-based aids.

Additionally, the 2018-19 enacted state budget included a total of \$200 million for community schools, which is an increase of \$50 million over the 2017-18 school year.

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

Foundation Aid

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

The Legislature increased Foundation Aid by \$618 million for the 2018-19 school year, for a total of \$17.8 billion.

Early Childhood Education

The Legislature provided \$827 million for the implementation and development of prekindergarten programs.

The Legislature accepted the Executive's continuation of \$340 million for the Statewide Universal Full Day Prekindergarten program.

Grant Programs

The Legislature accepted the Executive's proposal for grant provisions for: Advanced Placement (AP) and International Baccalaureate (IB) Test Assistance and Expansion (\$2.5 million); the Master Teachers Program (\$1 million); Empire State After School (\$10 million); Breakfast After the Bell (\$5 million); Smart Start Professional Development (\$6 million); Gang Prevention Education Programs (\$500,000); Farm to School (\$750,000); and School Mental Health (\$250,000).

The Legislature modified the Executive's Expanded Half-Day and Full-Day Prekindergarten for Three-and-Four-Year-Olds in High Need School Districts grant program to ensure all school districts are eligible to apply for grants while maintaining an emphasis on need (\$15 million).

The Legislature also modified the Executive's Early College High School grant proposal to no longer refer to specific occupations for early college high school programs (\$9 million).

Charter Schools

The Legislature rejected the Executive's charter school proposals on New York City's charter school facilities aid, supplemental basic tuition reimbursement and direct charter school funding.

The Legislature provided \$500,000 for public conversion charter schools.

Teacher Programs

The Legislature restored funding for Teacher Resource and Computer Training Centers to \$14.3 million for the 2018-19 school year.

The Legislature restored funding for the Executive Leadership Institute at \$475,000 for the 2018-19 school year.

Special Education

The Legislature modified the Executive's proposal to provide funding for High Cost Excess Cost Aid for special need students at its present law level of \$615 million for the 2018-19 school year, a decrease of \$36.5 million from the 2017-18 school year.

The Legislature provided funding for Private Excess Cost Aid to its present law level of \$405.4 million for the 2018-19 school year, an increase of \$9.6 million over the 2017-18 school year.

The Legislature accepted the Executive's proposal to fund Supplemental Public Excess Cost Aid at \$4.3 million for the 2018-19 school year, which is the same level of funding as the 2017-18 school year.

The Legislature provided an additional \$2.3 million in funding for schools for the blind and deaf (4201 schools), for a total of \$106 million for the 2018-19 school year. Additionally, the Legislature provided \$903,000 to the Henry Viscardi School, \$903,000 for the New York School for the Deaf, and \$500,000 for the Mill Neck Manor School for the Deaf.

The Legislature rejected the Executive's proposal to allow any school district, BOCES, or nonpublic school to apply for waivers from certain special education requirements.

The Legislature rejected the Executive's cost shift of funding for summer school programs for school-aged children with handicapping conditions (referred to as 4408s) from the state to school districts.

Bilingual Education

The Legislature provided an additional \$2 million in funding for bilingual education, for a total of \$17.5 million for the 2018-19 school year.

The Legislature provided \$770,000 in funding for training programs to increase the number of teachers providing bilingual or multilingual education.

The Legislature provided \$500,000 for additional teacher training and supports to serve English Language Learners.

BOCES Aid

BOCES Aid provides funding to reimburse school districts that participate in BOCES shared educational programs and services. The 2018-19 enacted state budget funded this aid category at its present law level of \$931.8 million, which is an increase of \$21.9 million over the 2017-18 school year.

The Legislature accepted the Executive's proposal to maintain BOCES Aid for Special Act School Districts at \$700,000, which is the same level of funding as the 2015-16 school year.

The Legislature rejected the Executive's proposal to impose a 2 percent cap on the growth in BOCES Aid.

Special Services Aid

The Legislature increased funding for Special Services Aid to its present law level of \$247.8 million, which is a decrease of \$ 2.3 million from the 2017-18 school year.

Building Aid

The Legislature modified the Executive's proposal to provide funding for Building Aid at its present law level of \$3 billion, an increase of \$140.7 million over the 2017-18 school year.

The Legislature modified the Executive's proposal to provide funding for Reorganization Building Aid at its present law level of \$22.5 million, a net decrease of \$1.4 million from the 2017-18 school year.

The Legislature rejected the Executive's proposal to impose a two percent statewide cap on Building Aid.

The Legislature extended the 10 percent bump in Building Aid for the purchase of certain security equipment for 5 years.

Transportation Aid

The Legislature modified the Executive's proposal to provide funding for Transportation Aid at its present law level of \$1.9 billion, an increase of \$94.5 million over the 2017-18 school year.

The Legislature modified the Executive's proposal to provide funding for Summer Transportation Aid at its present law level of \$4.9 million.

The Legislature rejected the Executive's proposal to impose a 2 percent cap on the growth in Transportation Aid.

The Legislature increased the aidable cap for transportation after 4 PM by \$1.75 million for a total of \$18.8 million.

High Tax Aid

The Legislature accepted the Executive's proposal and provided funding for High Tax Aid at \$223.3 million, the same level of funding as the 2017-18 school year.

Nonpublic School Aid

The Legislature accepted the Executive's proposal of \$74.8 million for the Comprehensive Attendance Policy and \$111.6 million for Mandated Services Relief Aid, an increase of \$7.9 million and \$2.2 million, respectively.

The Legislature provided \$922,000 for Academic Intervention Services.

The Legislature provided \$7 million for nonpublic schools for additional costs for complying with immunization requirements.

The Legislature provided \$15 million for nonpublic schools to hire science, technology, engineering and math (STEM) teachers.

Charter School Transition Aid

Charter School Transition Aid directs funding to school districts most impacted by charter school growth and enrollment. The Legislature modified the Executive's proposal to fund Charter School Transition Aid at its present law level of \$45.7 million, an increase of \$7 million from the 2017-18 school year.

Miscellaneous Aids

The Legislature accepted the Executive's proposal to fund Incarcerated Youth Assistance at \$15 million and increased funding for Homeless Pupils Aid to \$30 million.

The Legislature accepted the Executive's proposal to fund the School Lunch and Breakfast Program at \$34.4 million, which is the same funding level as the 2017-18 school year.

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

The Legislature provided \$500,000 to fund the Teacher Diversity Pipeline Pilot Program to provide assistance for teacher aides and teaching assistants to become teachers.

The Legislature provided \$2 million for the Supportive Schools grant program to help school districts improve school climate, safety, and implement the Dignity for All Students Act through technical assistance and district grants.

The Legislature provided \$3 million for the East Ramapo Central School District school improvement grant.

Contracts for Excellence

Contracts for Excellence were implemented beginning in the 2007-08 school year. School districts were required to prepare a contract if they had at least one school that failed to meet federal or state academic benchmarks and if their increase in Foundation Aid equaled or exceeded \$15 million or 10 percent over the prior year.

The 2018-19 enacted state budget provided that any school district that filed a contract in the 2017-18 school year must file a contract in the 2018-19 school year, unless all schools in the district are in good standing. As a result, in the 2018-19 school year, 15 school districts are required to prepare a Contract for Excellence.

Miscellaneous Article VIIIs

The Legislature required school districts, beginning in the 2018-19 school year, to annually submit to SED and the Division of the Budget, and make public, a detailed statement of the total funding allocation for each school in the district before the first day of the school.

The Legislature required every school district, charter school, and nonpublic school to develop a plan to prevent meal shaming.

The Legislature allowed schools to apply for a waiver from establishing a Breakfast After the Bell program if the school already has an existing successful breakfast program or for economic hardship.

The Legislature increased the reimbursement for school lunch reimbursement from 6 cents to 25 cents for schools that purchase 30% of their food from New York State farmers, growers, or producers.

The Legislature required the Commissioner of Education to convene a workgroup to develop computer science standards.

The Legislature accepted the Executive's proposal to require public schools serving grades 6 through 12 to provide free feminine hygiene products in their restrooms.

B. BOARDS OF COOPERATIVE EDUCATIONAL SERVICES

A.2112A, Nolan; Veto Memo No. 329: This legislation would have updated the BOCES district superintendent salary cap.

A.9825, Galef; Veto Memo No. 359: This legislation would have exempted certain BOCES capital expenditures from a school district's tax levy limit.

C. CAREER AND TECHNICAL EDUCATION

A.381, Nolan; Chapter 357 of the Laws of 2018: This law requires the Commissioner of Education to collect data from school districts receiving Special Services Aid on the number of students that are in ninth grade and enrolled in career education programs.

D. CHARTER SCHOOLS

A.7966C, Peoples-Stokes; Veto Memo No. 334: This legislation would have required supplemental basic charter school tuition to school districts outside of New York City to be reimbursed to such districts in the current school year for expenses incurred in the 2017-18 school year and thereafter.

E. CHILD DEVELOPMENT AND LEARNING

A.10063B, Joyner; Chapter 460 of the Laws of 2018: This law authorizes and directs the Commissioner of Education to conduct a study on the effects of trauma on child development and learning. The Commissioner of Education is required to deliver a report of the findings and recommendations to the Governor and Legislature within one year of enactment.

F. HEALTH AND SAFETY

A.2954B, McDonald; Chapter 214 of the Laws of 2018: This law authorizes a board of education or trustee to enter into agreements with any municipality, county police department or district to help pay for the salaries of school crossing guards when there is an increase in the number of school crossing guards employed by such municipality, county police department or district.

A.8382B, Galef; Chapter 233 of the Laws of 2018: This law requires law enforcement to immediately notify the superintendent of any school district, charter school, BOCES, private school or special education school when an accusatory instrument has been filed against an employee alleging a commission of a sex offense.

A.8485B, Nolan; Chapter 363 of the Laws of 2018: This law expands the definitions of "child," "employee," "volunteer," "educational setting," and "administrator" within Article 23-B of the Education Law to include all school districts, public schools, charter schools, nonpublic schools, 853 schools, 4201s, 4410s, Special Act School Districts, BOCES and bus companies that contract with such schools or school districts. The law also expands the responsibility to report allegations of child abuse to include licensed and registered physical therapists, occupational therapists, speech-language pathologists, teacher aides, school resource officers, and school bus drivers and their supervisors. In addition, all teachers and administrators employed by a school other than a public school or school district, as well as all school bus drivers, must complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment.

A.9001, Nolan; Chapter 10 of the Laws of 2018: This law is an amendment to Chapter 347 of the Laws of 2017 to clarify that sepsis is not transmittable.

A.10369, Nolan; Chapter 249 of the Laws of 2018: This law renames Chapter 61 of the Laws of 2002 to the Louis Acompora AED's in Schools Act, which requires Automatic External Defibrillator's (AED) in schools.

A.10471, Nolan; Chapter 89 of the Laws of 2018: This law extends for 3 years, until June 30, 2021, provisions of law that authorize a pilot program providing students residing in hospitals operated by the Office of Mental Health with specialized educational programming that more closely aligns with the services they would receive in their local school districts.

G. NONPUBLIC SCHOOLS

A.9903, Cusick; Chapter 347 of the Laws of 2018: This law clarifies the calculation of the reimbursement rate for aid for nonpublic schools.

H. SCHOOL BUDGET & OPERATIONS

A.9730, Goodell; Veto Memo No. 357: This legislation would have legalized, validated, ratified and confirmed certain actions by the Panama Central School District due to the failure of the district to file a timely final building cost report for a 2005 capital project.

A.10454, Gunther; Veto Memo No. 369: This legislation would have legalized, validated, ratified and confirmed certain actions by the Roscoe Central School District due to the failure of the district to file timely final building cost reports.

A.10705, Stirpe; Chapter 200 of the Laws of 2018: This law legalizes, validates, ratifies and confirms certain actions by the North Syracuse Central School District due to the failure of the district to file timely final building cost reports.

A.10752, Barclay; Veto Memo No. 375: This legislation would have legalized, validated, ratified and confirmed a transportation contract for the Fulton City School District.

A.10753, Galef; Chapter 336 of the Laws of 2018: This law validates 2 capital improvement projects for the Hendrick Hudson Central School District for late final cost reports.

A.10771, Palmesano; Veto Memo No. 377: This legislation would have legalized, validated, ratified and confirmed late filed transportation contracts for the Corning City School District.

A.10824A, D’Urso; Veto Memo No. 376: This legislation would have legalized, validated, ratified and confirmed late filed transportation contracts for the Port Washington Union Free School District.

A.11174, Skoufis; Veto Memo No. 347: This legislation would have validated 11 capital improvement projects for the Newburgh Enlarged City School District for late final cost reports.

A.11175, Skoufis; Veto Memo No. 348: This legislation would have validated 2 capital improvement projects for the Chester Union Free School District for late final cost reports.

I. SCHOOL DISTRICT ELECTIONS

A.9040A, Fahy; Chapter 236 of the Laws of 2018: This law makes technical amendments to Chapter 84 of the Laws of 2017, which changed the day members of the Albany City School District are elected from the general election in November to the annual school meeting on the third Tuesday in May.

J. SPECIAL EDUCATION

A.5618A, Abinanti; Veto Memo No. 301: This legislation would have required the Commissioners of Education and Social Services to develop separate reimbursement methodologies for tuition and maintenance of 853 schools and Special Act School Districts.

A.8947, Skoufis; Chapter 32 of the Laws of 2018: This law is an amendment to Chapter 410 of the Laws of 2017 to allow all students, not just students with disabilities, who have been issued a Career Development and Occupational Studies (CDOS) commencement credential to participate in the graduation ceremonies and all related activities with the class they entered ninth grade with.

A.10472, Lifton; Chapter 90 of the Laws of 2018: This law extends, for 3 years, provisions that conform state Education Law to the federal Individuals with Disabilities Education Act (IDEA) of 2004 in order to ensure that New York State will continue to be in compliance with federal IDEA requirements through the 2020-21 school year.

K. STANDARDIZED ASSESSMENTS

A.11022A, Magnarelli; Chapter 351 of the Laws of 2018: This law exempts the SAT and ACT from annual disclosure of test questions, answers and scoring rubrics to the Commissioner of Education beginning in the 2019-20 school year, provided that the SAT and ACT disclose a certain number of test forms annually based on the number of exams they administer in New

York that year. This law also increased the penalty for violating disclosure provisions from \$500 to \$1,000.

L. TEACHER AND PRINCIPAL TENURE AND EVALUATIONS

A.8108A, Abbate; Veto Memo No. 313: This legislation would have provided previously tenured principals, administrators, supervisors and other members of the supervising staff of school districts a 3 year tenure probationary period instead of 4 years if they have already been tenured at another school district or BOCES in NYS.

A.10475, Nolan: This legislation would have eliminated the mandate that state-created or administered assessments be used to determine a teacher or principal's evaluation. The Commissioner would have been required to promulgate regulations providing alternative assessments for school districts that choose not to use state assessments. The selection and use of assessments would have been subject to collective bargaining. This bill would also have eliminated the use of the state-provided growth model in a teacher or principal's evaluation. All teachers would have been required to have a student learning objective (SLO) consistent with a goal-setting process determined or developed by the Commissioner as the first sub component for the student performance category. In addition, it would have made permanent provisions prohibiting grades 3 through 8 English Language Arts (ELA) or Math assessment scores from being included on a student's permanent record. This bill passed the Assembly and died in the Senate Committee on Education.

III. PUBLIC HEARINGS AND ROUNDTABLES

A. HEARING ON SCHOOL HEALTH, MENTAL HEALTH, AND PHYSICAL EDUCATION

October 23, 2018
10:00 A.M.
Albany, NY

The Assembly Committee on Education convened a hearing to examine the current state of health, mental health, and physical education programs, services, and instruction in New York State's schools and study best practices to continue to support student well-being. Additionally, this hearing sought to examine best practices schools are utilizing to continue to provide programs and services to meet their student's health and mental health needs.

The Committee heard testimony from state officials and stakeholders on the benefits of health and physical education instruction, the need for more certified health and physical education teachers in schools, as well as the need to update the health education learning standards to reflect the current challenges facing students. In addition, stakeholders discussed the mental health challenges students are facing and the need for increased funding to hire additional guidance counselors, psychologists, and social workers.

The Committee heard public testimony from MaryEllen Elia, Commissioner, New York State Education Department (SED); the New York State Association for Health, Physical Education, Recreation, and Dance (NYSAHPERD); New York City Department of Education; New York State United Teachers (NYSUT); the New York State Council of School Superintendents (NYCOSS); New York State School Boards Association (NYSSBA); BOCES; Mental Health Association in NYS, Inc. (MHANYS); National Association of Social Workers (NASW) – New York State; NYS Coalition for Children's Behavioral Health; New York Civil Liberties Union (NYCLU); Advocates for Children of New York; Children's Defense Fund – New York; Legal Services New York City (LSNYC); the Alliance for Quality Education (AQE); the New York State Parent Teacher Association (PTA); Astor Services for Children & Families; the American Cancer Society Cancer Action Network; and gym teachers and health teachers from across the state.

IV. OUTLOOK 2019

During the next legislative session, the Committee on Education will continue to report legislation ensuring all students are provided the educational opportunities and resources they deserve. The Committee will continue to fight for fair, equal and adequate funding for educational resources, especially in our state's most struggling schools, and ensure that our students will be college and career ready upon graduation.

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

V. SUMMARY SHEET

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 6

ASSEMBLY SENATE TOTAL
BILLS BILLS BILLS

BILLS REPORTED FAVORABLE TO

TO CODES	3	0	3
TO JUDICIARY	0	0	0
TO WAYS AND MEANS	23	0	23
TO RULES	8	0	8
TO FLOOR	6	0	6
TOTAL	40	0	40

COMMITTEE ACTION

HELD FOR CONSIDERATION	67	0	67
DEFEATED	0	0	0
ENACTING CLAUSE STRICKEN	29	0	29
REMAINING IN COMMITTEE	550	71	621

BILLS REFERENCE CHANGED TO:

Codes 1

Ways and Means 4

TOTAL	5	0	5
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