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Testimony  
of the  
Orthodox Union Advocacy Center

regarding the

2014 - 2015

Elementary and Secondary Education Budget

Presented by

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## Introduction

Good afternoon. Chairman DeFrancisco, Chairman Farrell, Chairman Flanagan, Chairwoman Nolan and honorable members, my name is Jeff Leb and I am the New York Director of the Orthodox Union Advocacy Center – the non-partisan public policy and advocacy arm of the Orthodox Union, the nation's largest Orthodox Jewish umbrella organization founded in 1898. I am also the director of the OU Advocacy-Teach NYS Initiative, which focuses solely on advocating for the needs of the non-public school community. I speak today on behalf of hundreds of thousands of Jewish Day School students across New York State – from Brooklyn to Buffalo.

I am most grateful for this opportunity to comment on Governor Andrew Cuomo's budget proposals related to elementary and secondary education.

Though my written testimony contains a number of areas of great importance, in the interest of time, I will limit my oral comments and testimony to summaries of these issues. Many of the issues that I will be discussing are matters related to parity. The position that the OU Advocacy-Teach NYS Initiative and I take is that all students in New York State – regardless of whether they attend public school or non-public school – should be entitled to the same essential services to further their educational growth and ensure their safety.

The first matter that I would like to discuss is the **Education Investment Incentives Act** – also known as the **Education Investment Tax Credit** proposal.

Currently, school districts and non-public schools across the State are facing difficult economic challenges. As we are all aware, more and more Catholic Schools are forced to close their doors every year and Jewish schools and other faith-based schools are facing similar decisions. School districts across the State have been forced to cut programming and resources in order to make their annual budget. A solution that we feel can reverse this unfortunate trend is the Education Investment Incentives Act.

The Education Investment Incentives Act benefits both private and public school students. By changing the tax status of individual and corporate donations to scholarship organizations from a tax exemption to a tax credit, the state will create millions of dollars for scholarships to private schools or public school activities and functions.

Donations can be made to scholarship organizations to award scholarships for children to attend private schools and can be made public schools, including school districts and non-profit organizations that support public schools. The legislation would also allow for a \$100 reimbursement for teachers who spend their own money to provide resources to their students.

In addition to increasing the pool of charitable donations and the scholarship opportunities for children in poverty or from working-class and middle-class households, this bill could reduce the financial pressure on private schools to raise tuition, which affects all families, regardless of whether or not one's child is a scholarship recipient. We are hopeful that, through our work with the governor's office as well as the Senate and the Assembly, this legislation will be included in the final budget.

The second issue that I would like to discuss is **Mandated Services Reimbursement (MSR) and Comprehensive Attendance Policy (CAP) Reimbursement:**

I would like to express our appreciation to the legislature for your involvement and support in increasing CAP and MSR. When I started coming up to Albany a couple of sessions ago to advocate for full funding for CAP and MSR most legislators had no idea what those acronyms represented. It has been extremely gratifying to find that over the last two years, a majority of the legislature now knows what CAP and MSR represent and are very supportive in the increase of these funding streams and the repayment of the arrears.

For the purpose of my testimony, I will briefly explain what CAP and MSR are. CAP and MSR are two constitutionally permissible funding streams to non-public schools. The funding streams are reimbursements to participating non-public schools for performing functions mandated to them by New York State. These include standardized testing, compliance and reporting of medical testing to the Department of Health, taking attendance on a daily basis and other mandated services.

The level of funding that non-public schools across the state generate for CAP and MSR amounts to \$59 million for CAP and \$90 million for MSR. Because of a consistent underpayment in the budget, as of the current fiscal year, the back payment owed for CAP funding has reached approximately \$196 million and \$26 million for MSR. Last year was the first year though that we achieved a full-funding level for MSR and had an additional \$4 million allocation applied to the arrears. In the Governor's current Executive budget proposal, MSR has once again been slated to receive full funding and additional \$7 million towards the repayment, which, if passed, would bring the amount owed for MSR to \$19 million. This is very welcome news.

Unfortunately, CAP funding still has a long way to go. The Governor proposed a modest \$1,655,000 increase to CAP, falling approximately \$14 million short of the full-funding level. This would increase the amount owed for CAP to approximately \$210 million. We urge the legislature to include an increase of \$14 million to bring CAP to full funding at \$59 million and to allocate additional funding to begin the process of a repayment of the state's unmet obligations.

Other issues that I have included in my testimony, but will briefly summarize in my oral remarks are:

We are grateful for the proposal to include a **\$4.5 million dollar allocation for Security funding** for New York State. When the SAFE Act was passed last year, it included funding for security improvements to public schools but not non-public schools. We were very appreciative that this oversight was rectified in the enacted budget and are grateful that the allocation was included once again in the current budget proposal. This is an issue of parity. Allocations for security improvements shouldn't be based on the type of school that a child attends. It should be allocated to All children who attend any type of school in New York State – regardless of whether that school is public or non-public.

The Governor's proposed full-funding of full day **Universal Pre-Kindergarten** is a fantastic idea and an incredible initiative. We ask though that the UPK be made available to all children who attend any type of school in New York State – regardless of whether that school is public or non-public.

The Governor's proposed **Smart Schools Bond Initiative:** The Governor's \$2 billion *Smart Schools* bond initiative, will require both legislative and then voter approval. Parents of all children will be

responsible in paying this bond. It is absolutely crucial that any technological purchases or upgrades in this initiative apply to all children who attend any type of school in New York State – regardless of whether that school is public or non-public.

Thank you for allowing me the time to testify and I would be happy to take any questions.

**Nursing Services:** An increasing number of children have acute and chronic health problems that require the daily attention and care of professional school nurses. Yet the shortage of school nurses leaves school administrators and teachers in the untenable position of having to respond to health emergencies and manage chronic health problems. School administrators and teachers are not health professionals and simply cannot and should not be forced to manage and respond to their students' asthma, diabetes, food allergies and other health conditions.

In some cases, these health conditions can be life-threatening. A child who ingests or is otherwise exposed to a food allergen, for instance, can experience anaphylaxis and die without the timely and professional administration of an epi-pen injection. An asthmatic student can easily experience respiratory distress requiring the administration of nebulized medication. Typical playground, athletic and even classroom accidents and injuries often require immediate professional medical attention.

The protracted nursing shortage is well documented, both nationally and in New York State. The shortage of school nurses is due, in large measure, to inadequate pay. In some cases, the salary of school bus drivers and custodial employees exceeds that of school nurses. For parents, as well as for the school staff to whom children have been entrusted, there is nothing more important than the health and safety of their children. It is simply unconscionable to put the lives and well-being of children at risk.

We urge the Governor and Legislature to ensure that a full-time nurse is available for every public, independent and religious school that needs one.

**Energy Efficiency and Capital Improvements:** Advances in technology and construction techniques enable our schools to be healthier, safer, more accessible and more energy efficient than ever before. This not only benefits the students, teachers and administrators who occupy school buildings every day, but also benefit utility rate payers and the community at large. Public schools are able to finance these projects with their local tax levy authority coupled with state building aid. Religious and independent students, teachers and administrators are no less deserving of the highest quality facilities, yet these schools do not have the same means to finance such projects. We urge you to appropriate seed money that would enable religious and independent schools to initiate these worthy projects.

**Academic Intervention Services:** Currently only \$922,000 is appropriated annually to independent and religious schools to implement the Academic Intervention Services (AIS) regulations promulgated by the Board of Regents – far below the \$20 million that is needed. Without adequate funding now, these at-risk children may easily fall behind even more - thus requiring more expensive academic interventions later. AIS funding should be increased so that, like public schools, our schools are able to provide these services to our children who are most in need.

**Transportation:** Next to their ability to afford tuition, the second most common challenge faced by parents in enrolling their children in religious or independent schools is their ability to have their children transported to school. When parents are denied their choice of a religious or an independent school because transportation services are not available, are unreasonable or are unreliable, the burden on taxpayers increases as more of these children are enrolled in public schools. It makes financial sense to enable more parents to enroll their children in religious and independent schools and thus we strongly urge the following: (1) Restore 90 percent state reimbursement of school district costs of transporting religious and independent school students; (2) increase the maximum distance school districts are required to transport children to school from 15 to 25 miles; (3) allow parents the option to pay for the cost of transportation beyond 25 miles; (4) ensure that transportation is provided for schools with disparate schedules and calendars – and not denied to religious and independent schools when public schools are closed or when they make mid-year calendar changes; and (5) require small city school districts to transport children up to the maximum mileage limit rather than city limits.

**Teacher Training and Mentoring:** The Regents have mandated 87.5 hours of continuing education every five years for certified teachers employed by independent and religious schools. In addition, the regulations of the Board of Regents require new teachers to obtain a mentoring experience in their first year of employment. Despite the difficult fiscal situation, it is imperative that we provide the means for all teachers to obtain and maintain the highest level of professional competence. We urge you to include \$10 million in Mandated Services Aid to reimburse independent and religious schools for their expenses in providing the mandated continuing education to certified teachers and \$5 million in funding to reimburse schools for their expenses in mentoring new teachers.

**Learning Technology Grants:** The Governor proposes \$3.3 million for Learning Technology grants. The limited funding for this valuable program, however, serves only 50 school districts along with their independent and religious school partners. We strongly urge you to increase the appropriation to a level sufficient to enable all needy schools to benefit from this program.