



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Commissioner of Education
President of the University of the State of New York
89 Washington Avenue, Room 111
Albany, New York 12234

E-mail: commissioner@nysed.gov
Tel: (518) 474-5844

**Written Testimony of Commissioner Dr. Betty A. Rosa
New York State Education Department
Joint Legislative Elementary Education Budget Hearing
January 29, 2025**

Good morning Chairs Krueger, Pretlow, Mayer, Liu, and Benedetto. And good morning to the members of the Senate and Assembly who are here today. My name is Dr. Betty A. Rosa, and I am New York's Commissioner of Education. I am joined today by Senior Deputy Commissioner Dr. Jeffrey Matteson; Chief Financial Officer Dr. Christina Coughlin; Deputy Commissioner Adult Career and Continuing Education Services, Office of Special Education Ceylane Meyers-Ruff, and P-12 Deputy Commissioners Angelique Johnson-Dingle and Jason Harmon. I also want to acknowledge and thank Chancellor Lester Young, and the members of the Board of Regents, who are watching today.

The New York State Education Department (NYSED) comprises an exceptionally complex and interconnected system of educational programs and services. Our stated mission is to raise the knowledge, skill, and opportunity of *all* New Yorkers.

To achieve this mission, the Regents and NYSED have developed three principles that guide our work. Each of our budget goals and priorities is steeped in equity, access, and opportunity and would provide the resources needed to achieve them.

The Executive Budget includes some important Regents and NYSED budget and policy priorities in the Executive Budget proposal, including investments in:

- **College in High School Opportunities:** Dual Enrollment programs provide high school students with the opportunity to take college courses, enabling them to save time and money in college. Dual enrollment also positively impacts high school and college outcomes on average, such as high school graduation, college enrollment, success, and completion.
- **Preservation of the Education Building:** The Board of Regents emphasizes the critical importance of preserving the historic Education Building through strategic investment in capital needs. Maintenance and modernization of its building are vital to ensure a safe and effective workplace for the Department's workforce. While we appreciate the \$20 million that is included in the Executive Budget for these repairs, a reasonable estimate of the work is closer to \$40 million.

There are needs that were not addressed and we request that the Legislature consider the following:

Foundation Aid:

The 2024-25 enacted budget allocated \$2 million to the Rockefeller Institute for a comprehensive foundation aid study. The Institute's final report offered valuable recommendations, many of which require careful analysis to guarantee equitable funding distribution.

NYSED remains committed to enhancing the foundation aid formula to ensure equitable and sustainable support for all public school students, regardless of their community – rural, suburban, or urban.

The Executive Budget's proposed modifications to foundation aid represent meaningful, but minor progress. Notably, the updates to student need measures align with recommendations from both the Board of Regents and the Rockefeller Institute. However, these changes constitute an initial step, and modernizing this intricate formula requires a clear, long-term vision. We have not yet seen this vision; planning needs to start now.

NYSED stands ready to provide technical assistance and data analysis to support well-considered updates that bolster educational equity and outcomes statewide. The foundation aid formula is a complex system where individual changes can have unintended consequences, and multiple changes may interact unpredictably without thorough analysis. Any modification must be grounded in sound research.

While the Rockefeller study proposes considerations such as graduated weights for English Language Learners and poverty, the specific weight assignments appear to lack a robust empirical foundation. Further research is needed to validate these proposed adjustments and develop a more rigorous, data-driven framework for determining appropriate formula weights.

The report also acknowledges several recommendations that need further research and review, such as the approach to students with disabilities, the adjustment for rural districts, and a long-term strategy for the successful school's analysis that underpins the formula.

In the past two years, the Regents have consistently requested funding for a comprehensive study that includes research and modeling, as implemented in other states. This level of analysis requires time but is crucial to ensure the foundation formula reflects the most current and effective practices as well as the needs of all students in successful schools.

Funding to Implement Blue Ribbon Commission on Graduation Measures Changes (\$2.3 million)

As the Board finalizes the changes to the Graduation Standards that have emerged from the years of work with educators, employers, and experts from other states, the

Department must prepare to implement the changes. For the first stage of this work, we need to build our own internal capacity. This means that we will need a project coordinator to organize the many training opportunities and other engagements with educators and the public that will occur. We will also need to engage experts in the development of standards to do the focused work necessary to align standards through the grade levels. Finally, we will need two new permanent staff to support the field as they incorporate the new, more flexible requirements into their districts' curriculum.

This funding was not included in the Executive Budget proposal.

Career and Technical Education

While we are pleased to see investments in advanced coursework and college coursework opportunities for our students as well as free community college opportunities for certain high-demand fields. Unfortunately, one critical component of this continuum that was not included in the Executive Budget proposal is funding for career and technical education (CTE), a priority that the Board of Regents has articulated year after year.

CTE plays a vital role in preparing students for success in our workforce and economy while creating pathways to high-demand careers across many sectors and enhancing student engagement and academic achievement. Strong CTE programs create pipelines of skilled workers that attract businesses and support economic growth to build sustainable local economies. Given these benefits, ensuring adequate funding and support for CTE programs is not merely an educational investment – it represents a strategic investment in our state's economic future and the success of our students. This is an issue that should have bipartisan support.

Expanding Access to Career and Technical Education (CTE) through BOCES (\$53.8 million): The cap on the BOCES salaries expenses that generate state aid has been at \$30,000, the median teacher salary when it was set in law, for decades. This flat reimbursement amount has not kept pace with inflation. The Regents recommend increasing the salary limit for BOCES aid to encourage program expansion.

Based on data from the New York State Department of Labor, the median salary for a secondary teacher in New York State was \$84,066 as of the latest data available. Ultimately, BOCES salary cap should be linked to this number and updated annually. However, given the large discrepancy that currently exists between \$30,000 to \$84,066, a three-year approach will allow districts and BOCES to adjust. The Regents propose raising the salary cap to \$50,000 for aid in the 2025-2026 school year, \$70,000 in the 2026-2027 school year, and finally to median income for secondary teachers in New York State thereafter.

Expanding Access to CTE in Other Districts (\$49.2 million): Districts that do not participate in a BOCES program also need additional support to expand support for students in career, technical, occupational, and business education. These districts include the Big Five City school districts and four others. This year, the Regents propose making career education services to students in the ninth grade eligible for career education and

academic improvement aid. In subsequent years, the core reimbursement amount in all three special services aids should be increased to ensure students in districts that do not participate in a BOCES program receive equitable aid.

This funding was not included in the Executive Budget proposal.

Universal Pre-K

The Executive made an extensive commitment to expanding access to affordable childcare across New York State, however, we also urge the legislature to consider two critical aspects:

- **The educational imperative:** High-quality childcare must be viewed as early learning, providing foundational skills and experiences from birth to age three. It is more than childcare; it's an investment in our children's future success.
- **The impact on prekindergarten:** Childcare and prekindergarten programs often share the same workforce and rely on similar providers. Yet, despite the name, universal prekindergarten is not universally available across the state, and its funding has not kept pace with the proposed increases for childcare.

This Executive Budget proposal lacks any additional funding to improve or expand our pre-k system. This disparity in funding creates an unsustainable system for providers and undermines the quality of early learning experiences for our youngest children.

Childcare and prekindergarten are a continuum of critical early learning opportunities and deserve to be viewed as such. Siloing these programs will ultimately harm children and hinder our ability to provide them with the best possible start in life.

Expanding Access to Universal Prekindergarten (\$25 million): Last year, the Governor and legislature removed barriers in the use of state prekindergarten funds. This year, the Regents recommend a \$25 million expansion of funding to districts that wish to provide additional services and have students who remain unserved under the existing funding streams. The funding approach would be the greater of the statutory universal prekindergarten (UPK) amount per pupil or \$10,000. After year one, this funding would roll into UPK to avoid multiplying programs. The \$25 million amount is sufficient to meaningfully expand access and ensure the entire amount is utilized.

This funding was not included in the Executive Budget proposal.

Provision of a Free Appropriate Public Education (FAPE) Through Age 22 (\$65.4 million)

The Second Circuit Court of Appeals' decision in *A.R. v. Connecticut Board of Education* requires that public schools in New York provide special education and related services to resident students with disabilities until twenty-two, or the day before the student's 22nd birthday, unless they have obtained a high school diploma. New York State Law provides

state funding to students only through the school year in which the student turns twenty-one. Aligning state law to this court decision's requirements is critical to supporting districts as they serve students with disabilities until age 22. The fiscal estimate includes increased reimbursement for public excess cost aid, private excess cost aid, and foundation aid.

The aid impact of this change is estimated to be \$20.6 million in Foundation Aid before other changes proposed above, \$9.5 million in public excess cost aid, \$17.4 million in private excess cost aid, and \$18.0 million in funding programs that fall outside general support for public schools. The impact on Foundation Aid and excess cost aids are included in the table above. The other programs include summer special education programs (4408), state-supported and operated schools for the blind and deaf, the education of homeless children, and certain programs operated by the Office for People with Developmental Disabilities (OPWDD).

This funding was not included in the Executive Budget proposal.

NYS English as a Second Language Achievement Test (NYSESLAT \$4 million)

In New York State, all English language learners (ELLs) are assessed annually for English language proficiency (ELP) as required by the Every Student Succeeds Act (ESSA) and New York State Education Law §3204. New York State has developed and administered the New York State English as a Second Language Achievement Test (NYSESLAT) to meet this requirement. The results of the NYSESLAT are used to determine the level of language services needed for each student and when such services are no longer needed.

Although the NYSESLAT allows accommodations for ELL students with disabilities, the NYSESLAT was not designed for measuring the incremental annual gains of ELLs with severe cognitive disabilities. In addition to improving these students' educational experience, a new assessment that measures the ELP of students with severe cognitive disabilities is necessary to fulfill federal requirements. Guidance from the U.S. Department of Education released in 2017 requires an alternate ELP assessment for ELLs who cannot take part in the current assessment even with appropriate accommodations. By not providing this assessment to this population of students with disabilities, New York State will be out of compliance with these federal requirements and could potentially be penalized by the loss of federal educational funds.

This funding was not included in the Executive Budget proposal.

Teach.org (\$1.2 million)

Teach.org's mission is to help aspiring teachers understand everything they need to know. In furtherance of this mission, Teach.org provides teacher certification guides, information about teacher preparation programs, 1-on-1 coaching with expert teachers, teacher stories, information about financial aid, salaries, and benefits. Users are provided a personalized application checklist. This service has reached thousands of New Yorkers just in the first year. To maintain this service, the state must provide a recurring allocation of \$1,251,450 for Teach.org beginning in FY25 and increasing 3% each year thereafter. If the legislature

does not establish a recurring allocation for Teach.org, NYSED will struggle to pay for the New York version of Teach.org and may need to stop offering this critical tool for addressing the teacher shortage.

This funding was not included in the Executive Budget proposal.

Data Infrastructure and Operational Effectiveness (\$4.8 million)

In parallel, the agency prioritizes advancing its data infrastructure and operational efficiency initiatives. Building on previous technological and operational improvements, the next phase aims to enhance data integration, security, and analytics to support decision-making and resource allocation across the educational system. This initiative will enable more effective oversight, improved service delivery, and increased adaptability in the face of evolving educational demands. The Department's response to the Budget Director's call letter emphasized the need for additional staff to support the second phase of the transformation of the Department's information technology functions, as well as an investment in HR/Financial systems that will modernize our staff management and financial analytical capabilities. Our request included support for additional staff and expanded general fund support for software licensing and other ongoing needs. The call letter also requested the next phase of support for the Statewide Longitudinal Data System, which will provide the regional and system-level outcomes data needed for future policymaking activities.

This funding was not included in the Executive Budget proposal.

Office of Cultural Education Revenue Stabilization (Increase fee by \$10/ per transaction or provide equivalent General Fund appropriation of \$12 million)

The New York State Museum and the Office of Cultural Education (OCE) are currently making significant strides in advancing critical projects, despite the challenges posed by an outdated and unpredictable funding model. The current OCE budget, tied to the fluctuating housing market, has remained stagnant since 2002, failing to keep pace with rising operational costs. This financial instability has led to a persistent multi-million-dollar deficit, projected to exceed \$7 million by March 2026.

To safeguard the Museum, Library, and Archives, we have proposed a sustainable solution: a \$10-\$15 fee increase per deed recording, with provisions for annual growth based on inflation or other factors. Alternatively, a stable \$12 million State General Fund appropriation would provide the necessary financial foundation for continued operations and strategic growth.

Regarding OCE's capital projects, we are collaborating with the Dormitory Authority of the State of New York (DASNY) to advance the Museum's gallery renewal project, with bidding anticipated to commence by late spring or early summer. Additionally, we are partnering with DASNY to identify a suitable site for a future storage facility to meet the evolving needs of the OCE. Efforts are also underway to revitalize the Museum's eatery and gift store, exploring partnerships to enhance these spaces and enrich the visitor experience.

Our vision is to elevate the New York State Museum to become one of the nation's premier state museums within the next decade. Achieving this ambitious goal requires the collective support of stakeholders, policymakers, and the community. However, without resolving our persistent financial challenges, this vision is not tenable.

Despite considerable fiscal hurdles, the Museum continues to thrive through innovative public programming. Recent successes include the Halloween Spooktacular, which welcomed over 900 visitors, Sesame Street's 55th Birthday Celebration, which attracted more than 2,200 attendees, and our New Year's Eve Celebration, which brought together 800 children and families. Other highlights include a sensory-friendly event for neurodiverse families, several engaging lectures, and a multitude of vibrant cultural celebrations, underscoring the Museum's vital role as an educational and cultural cornerstone for New Yorkers.

This February, we will introduce a new initiative featuring weekday, family-friendly programming—happening every single weekday—designed to provide fresh, engaging experiences that deepen connections to New York's vibrant history and culture.

Looking ahead, the Museum will soon embark on a national search for its next Director, led by a former Director of the Smithsonian's National Museum of American History. This search will ensure we identify a visionary leader to guide the Museum into its next era of excellence.

We remain dedicated to our mission and invite lawmakers, stakeholders, and external partners to visit and witness firsthand the transformative work being done to preserve and share New York's cultural heritage. We look forward to ongoing collaboration to secure the Museum, Library, and Archives' place as a source of pride and inspiration for this and future generations of visitors.

This funding was not included in the Executive Budget proposal.

Conclusion

While the Executive Budget proposal contains laudable and needed resources for schools and students, more conversations and thoughtful long-term policy and budget planning, to ensure successful preparation for college and careers and that all students have access to a world-class education, is required. We also need appropriate funding to continue providing the important technical support and customer service that we offer to the field. The critical issues that we have outlined today also need to be addressed.

The possible and significant changes on the federal level when it comes to education could impact critical programs such as: those that support students with disabilities, English Language Learners, child nutrition programs, and even our Department where federal funds currently support the majority of our staff. While we generally agree that education decisions are best left to the state as well as to local school districts- support and recourse must always be there for our most vulnerable students and their families. Federal funding

needs to also allow us to continue provide targeted support, oversight, and technical assistance to our local school and to ensure that all children receive a quality education. Checks and balances on systems are critical at every level- the very fabric of a meaningful and successful democracy relies on this notion.

While we have to take a wait and see approach and don't want to send out alarms as ensuring a quality education for all our children should be a bipartisan issue- we also need a strategic contingency plan and flexibility for what could be. This is currently not found within this Executive Budget proposal. We ask that the Legislature do this important work with the Executive and make such a plan- especially as an agency that is not an Executive one- we need you now more than ever. We need to work together even more than we have ever done so- our children need us to rise to the occasion in this moment and we simply can't let them down.

In summary, our proposals are on behalf of the countless students, educators, parents, and stakeholder groups we serve and interact with daily. I look forward to your questions and to working with all of you on our shared goal to increase equity, access, and opportunities in education for all New York State students.