

NYC Foundation Aid Roundtable

The New York Civil Liberties Union is the foremost defender of civil rights and civil liberties in New York. We have more than 200,000 members and 8 offices around the state. In 2018, we started the Education Policy Center to focus on two goals: 1) protecting and expanding civil rights and racial equity in institutions that serve young people, and 2) ensuring public schools live up to their promise as incubators of democracy.

We are concerned with issues of school discipline and pushout, school climate and student supports, the opportunity gap for students of color, culturally responsive and affirming educational environments, and access to adequate supports for English Language Learners and students with disabilities. While the challenges for students of color and students with disabilities in NY schools are myriad, nearly all of would be eased by a fair, adequate, and equitable funding plan.

Every year, instead of funding the Foundation Aid formula, New York legislators substitute a temporary formula that leaves schools underfunded and Black and Brown students feeling the impact. The state calls this temporary funding formula Foundation Aid, but it is a poor substitute for the real Foundation Aid formula. Under true Foundation Aid our schools would be receiving \$4 billion more than they are.

In 2019, the New York City Department of Education contended with more than \$100 million in budget cuts.

I. Supports for Students

New York City schools have fewer than 5 support professionals for every 1,000 students. This includes school counselors, social workers, and guidance counselors, and is below the average for many other big cities, and below the recommended ratios. There is one guidance counselor for every 350 students, for example, while the recommended ratio is 1:250 or 1:50 for high needs populations; there is just one social worker for approximately every 700 students.¹ We have clinical mental health professionals in just about 200 of our 1700 schools.

Research shows that student performance and discipline improves measurably when there are more support professionals in schools. Schools with much higher-than-average ratios—such as some transfer and community schools--show promising and inspiring results.

While the City has hired many additional support professionals over the past several years, the money to pay them is patchwork and not necessarily sustainable. A change in political leadership could put it in jeopardy; some principals have even expressed that from year to year they can't rely on having funding for the same school climate programs—an enormous waste given the time, energy, and money it takes to train an entire school population on restorative practices or PBIS, for example.

¹ Christina Viega, *'You try to triage': NYC is spending big on counseling, but staff on the front lines say needs are going unmet*, Chalkbeat, October 2018. <https://chalkbeat.org/posts/ny/2018/10/16/you-try-to-triage-nyc-is-spending-big-on-counseling-but-staff-on-the-front-lines-say-needs-are-going-unmet/>.



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II. Students with Disabilities

In New York City, about 1 in 5 students has a diagnosed disability and are eligible for special education services.² Without appropriate services, students with disabilities have far worse educational outcomes than their peers. Even with services, students with disabilities are commonly suspended more often than their peers, spending more time outside of the classroom and damaging stable relationships in their schools.

New York City spends about 30% of its classroom instruction budget on special education—almost \$4 billion in 2018.³ But even that amount is not meeting the need. It is estimated that a quarter of students who need services are denied them, either formally or informally, and the federal IDEA budget is funded at only about 1/3 of what is needed to provide necessary aid to states.⁴ School psychologists, who conduct special education evaluations in school (unless parents can pay thousands for a private evaluation), struggle to keep up with insane caseloads, which leads to long, sometimes even unlawfully long, delays in evaluation and provision of services.

III. Homeless Students

New York City schools are serving a record number of homeless students. Approximately 10% of elementary-age students and 7% of middle and high school students are homeless. 95% of school-age homeless children are Black or Latinx.⁵ Schools must provide supports to homeless children so they can have a chance of succeeding, and their needs could reasonably fall in almost any category of support. Research has shown that, in order for homeless students to perform on par with their peers, they need intensive one-on-one supports from teachers and other professionals, time off from school to attend meetings with social service agencies, access to basic supports like food and clean clothes, and reliable, free transportation.⁶

The NYC DOE has invested tens of millions in offering school bus service to homeless shelters, hiring homeless service coordinators in school, and in hiring social workers with expertise in homelessness.⁷ But this only scratches the surface. Schools with high proportions of homeless students need more caring adults in the building to meet their needs, and they need money to provide things like basic school supplies, medical care, clean clothing, and hygiene products.

The current foundation aid formula likely does not adequately account for growing numbers of homeless kids in New York City, because it relies on measures that are out-of-date and are too narrow to capture data on every situation. We must update the formula. But first, we must fully fund the amount currently owed to

² Cheri Fanscali, *Special Education in New York City*, The Research Alliance for New York City Schools, 2019. https://research.steinhardt.nyu.edu/research_alliance/publications/studentswithdisabilities/

³ Peter Balonan-Rosen, *Special education costs add up for parents, schools as federal law remains underfunded*, Marketplace, June 2018. <https://www.marketplace.org/2018/06/22/special-education-adds-up-parents-federal-underfunded/>

⁴ Id.

⁵ Reema Amin, Homelessness crisis exacts an especially high price on New York City's youngest students, report finds, Chalkbeat, Feb. 27, 2019. <https://www.chalkbeat.org/posts/ny/2019/02/27/202141/>

⁶ Id.

⁷ Id.

schools with high populations of homeless students and students in poverty. We have to fund first and improve for next year.

We call on the state legislature to fully fund the Foundation Aid formula in 2020. Currently, the amount owed by the state to our schools is \$4 billion and almost 2/3 of that is owed to districts with majority students of color. This should be the primary focus of the State Legislature this year.

Further, in the 2021 session, we call on the legislature to improve on and update the Foundation Aid Formula to better account for high-needs students, including homeless students and students with disabilities.⁸ If fully funded by the state, NYC could invest in an adequate number of support staff, at sustainable levels with reasonable caseloads. This could lead to better academic outcomes, and also lowered school discipline incidents and police involvement.



⁸ US DOE Civil Rights Data Collection 2015-16