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130 East 59th Street
New York, NY 10022
Tel: 1.212.980.1000
Fax: 1.212.888.7538
www.ujafedny.org

New York State Education Reform Commission Long Island Regional Meeting - Testimony Thursday, October 11, 2012

Good morning. My name is Darcy Hirsh and I am director of day school advocacy at UJA-Federation of New York. I would like to thank Governor Cuomo and the commission for providing this important forum for educators and advocates to participate in the reform process. I am here today on behalf of the 130,000 Jewish children currently being educated in the 300 Jewish day schools and yeshivas in New York City, Long Island, and Westchester. We urge that while you examine the current structure of New York's Public Education system, you consider the crucial part nonpublic schools play in the state's education system overall and ensure that these schools continue to be provided with all of the resources to which they are entitled.

UJA-Federation of New York is a Jewish philanthropy that supports a network of more than 100 non-profit agencies in our eight-county catchment area that includes New York City, Long Island, and Westchester. These non-sectarian health and human service providers, range in size from small organizations to large institutions. With nearly 60,000 donors and serving 4.5 million people annually, UJA-Federation is uniquely situated to represent and serve the interests of the Jewish community in all of its diversity. UJA-Federation has recognized full-time Jewish education as one of the key foundation for a strong future for Jewish life and, accordingly, has been involved in supporting the local Jewish schools in variety of ways for 30 years.

We recognize the fiscal constraints the state is currently experiencing, but want to stress that continued funding for: (1) state aid for textbooks, computer hardware and software, and library materials; (2) transportation; (3) special education and related services; and (4) Mandated Services and CAP reimbursement has made and will continue to make a significant impact on the quality and affordability of Jewish schools.

Background: Jewish School Population

Comprising nearly one third of New York State's nonpublic school student population, the Jewish day schools and yeshivas in UJA-Federation's catchment area contain the largest population of children attending full-time Jewish schools outside of Israel. At over 130,000 students, these students range widely in religiosity and socio-economic status, as do our schools range in level of religious observance and tuition.

According to UJA-Federation's recent study the *Jewish Community Study of New York: 2011*,

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this student population is steadily increasing with 19,000 new students entering kindergarten each year. This growth is due to the expanding population of Jewish children ages 0 to 17, from 308,000 in 2002 to 338,000 in 2011, and the propensity for those with large families to also send their children to full-time Jewish school – therefore today 66% of all Jewish children attend these schools, up from 45% in 2002. Coupled with our study findings that one in five Jewish households is poor and an additional one in 10 households is near poor, we are finding more and more families unable to afford Jewish education for their children and many more schools struggling to make ends meet. This is why continuation and increases, wherever possible, of constitutionally supported state funding for these schools is so crucial.

State Support for Nonpublic Schools is Dually Beneficial

State support for nonpublic schools benefits both the state and the nonpublic schools. State aid to nonpublic schools helps to ensure quality and secular academic standards in these schools and is a fraction of the amount the state spends annually on educating each child in a public school. New York State currently spends over \$20 billion annually on education and allocates approximately \$200 million, less than 1% of this figure, to nonpublic schools statewide. These schools are educating over 13% of New York State's children. Please keep this in mind as you issue your recommendations to Governor Cuomo. While attending a private school is the personal choice of each particular family, nonpublic schools save the state significant funds. Considering that New York State school districts spend an average of \$17,000 per student according to 2008 figures, nonpublic schools essentially save the state from spending approximately \$7 billion per year on the approximately 400,000 children enrolled in nonpublic schools. In fact, 46,000 Jewish children in Nassau County alone attend a full-time Jewish school. Considering the impact on the county if all of these children were enrolled in public schools, nonpublic schools provide an essential service to the state at a far reduced rate. We ask that you keep this in mind as you assess funding allocation and distribution of state aid for the following programs:

State Aid for Textbooks, Library Materials, and Computer Hardware and Software

NYS Education Law provides for the equitable loan by the school district of textbooks, educational software, library materials, and computer hardware to all students in kindergarten through grade 12 attending religious and independent schools. These materials must be neutral and non-ideological in nature and are considered to be on permanent loan to the school. Funding for these materials is determined by a per-capita allocation: textbook Aid at \$58.25 per pupil; computer software Aid at \$14.98 per pupil; and library materials at \$6.25 per pupil.

Computer hardware aid is tied to each school district's state aid ratio and the average per capita allocation for computers averages to be just over \$12 per student, although allocations for some school districts with low state aid ratios (based on the wealth of the district) may be even lower or zero. Notwithstanding the increasing reliance on computers for state testing and student assessment, and particularly given the Board of Regents' requirement that all schools be capable of administering computer-based testing by 2014, the importance of computer literacy for participation and success in today's society begs for increased technology funding for religious and independent schools. UJA-Federation request that in your recommendations to Governor Cuomo, you express support for continuation of equitable services at current levels and increased funding where possible, particularly in respect to computer hardware aid.

Transportation

Commensurate with services provided to public school students, NYS law provides for transportation of students attending religious and independent schools living a maximum of 15 miles from school. State transportation aid is a formula-based program shared between the state and local school districts to cover the costs of transporting children to school.

UJA-Federation requests that you recommend 1) that the current distance of 15 miles not be compromised; 2) an increase of the maximum distance school districts outside of New York City are required to transport children to school from 15 to 25 miles; 3) that transportation is not denied when public schools are closed or make mid-year calendar changes; 4) that small city school districts are required to transport children up to the maximum mileage limit rather than city limits; and 5) a 90% reimbursement to school districts for the costs of transporting students to religious and independent schools.

Special Education

The NYS legislature has provided for special education funds from the state and individual school districts to supplement federal IDEA funds, allowing for 100% coverage of transportation and other special education-related services for children with special needs in religious or independent schools. Additionally, current NYS legislation, in accordance with Supreme Court guidelines, supports the continuation of impartial (“Carter” and “Connors”) hearings to secure reimbursement to parents who have deemed public school services insufficient for their children with special needs and opted to enroll them in religious or independent schools. In New York City alone, the city issues full or partial reimbursements for approximately 4,000 children with special needs attending nonpublic schools, costing the city \$100 million.

The process of obtaining an appropriate placement for children with special needs is an intensive process that takes a toll on all families, regardless of religion or socio-economic status. Aside from the difficulties and expense of navigating the complex administrative processes, parents are often at the mercy of bureaucratic delays within the districts that push both the initial placement and reimbursement determinations far past the time period recommended by state law.

The provision of special education and related services is a source of great expense to the state, as is complying with the state placement and due process regulations. Accordingly, special education mandates are often targeted by legislative mandate relief measures. While UJA-Federation supports the repeal of outdated, costly, and burdensome mandates, we are concerned that certain measures may negatively affect valuable special education services. We request that in any mandate relief recommendations, you keep measures in place that ensure that children with special needs are guaranteed a free appropriate education and that their parents are not unduly burdened with administrative and legal processes when attempting to secure these services for their children.

Mandated Services & Comprehensive Attendance Policy Reimbursement

The Mandated Services Reimbursement (MSR) program was enacted in 1974 to reimburse religious and independent schools for the actual costs they incur in complying with certain state administrative mandates and participating in state programs during the previous school year, specifically data reporting, pupil testing, and pupil evaluation. Examples include New York State (NYS) High School Regents Exams, various subject assessments, and English as a Second Language Achievement Test (NYSELAT); submission of graduation reports; registration of schools; immunization programs; and attendance taking.

The Comprehensive Attendance Policy (CAP), requires all schools to establish and carry out a policy which includes the taking of attendance each time students move from one class or activity to another. Contrary to the requirements of the MSR statute, the state has failed to fully reimburse religious and independent schools for mandated expenses, resulting in a deficit of over \$300 million for state-imposed expenses incurred between 2002 and 2012. The 2012 New York State budget for the first time fully funded MSR and includes language acknowledging the use of an erred formula in calculating past reimbursement rates and requiring the state to use the proper formula going forward and to devise a plan to begin to repay the accumulated unpaid CAP and MSR funds. UJA-Federation urges you to encourage Governor Cuomo to fully fund MSR and CAP going forward and include in his Executive Budget payment for the past deficit.

Recommendations:

When issuing your recommendations to Governor Cuomo, UJA-Federation requests that the Commission:

- Expresses support for continuation of state aid for textbooks, computer hardware and software, and library materials, and increased funding where possible – particularly in respect to computer hardware aid.
- Maintains transportation for children attending nonpublic schools at current distances and expand distance and service, where possible.
- Maintains the provision of related services for children with special needs attending nonpublic schools and keep administrative measures in place to ensure that these children are guaranteed a free appropriate education and that their parents are not unduly burdened with administrative and legal processes when attempting to secure these services for their children.
- Ensures continued funding for reimbursement for compliance with Mandated Services and the Comprehensive Attendance Policy.