



EDUCATIONAL RACISM

*ANDREW CUOMO'S RECORD OF
UNDERFUNDING PUBLIC SCHOOLS
IN BLACK & LATINO COMMUNITIES*

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The Alliance for Quality Education is a coalition mobilizing communities across the state to keep New York true to its promise of ensuring a high-quality public school education to all students regardless of zip code. Combining its legislative and policy expertise with grassroots organizing, AQE advances proven-to-work strategies that lead to student success and echoes a powerful public demand for a high-quality public school education for all of New York's students.

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EXECUTIVE SUMMARY

The numbers tell the truth: the schools with the most need are being shortchanged the most. American history has confirmed this time and time again, even though it was supposed to be rectified with *Brown v. Board of Education*. Educational racism explains the fact that two dozen school districts are owed the most Foundation Aid by the state.

- Foundation Aid was created in response to the Campaign for Fiscal Equity lawsuit, which went through all levels of the courts in New York State over the course of thirteen years. In 2006, the Court of Appeals, New York's highest court, ruled that the state was violating its own constitution by chronically underfunding the neediest schools. The Foundation Aid formula was enacted into law by the legislature in 2007. It a needs based funding formula driving more funding to school districts that have more students in poverty, more students with disabilities, and more English Language Learners.
- According to the New York State Education Department and the Board of Regents, and based on current law, the state owes school districts \$4.2 billion in Foundation Aid.
- Two thirds of the districts in New York State are still owed Foundation Aid. By contrast, 100 percent of high needs school districts with majority Black and Latino students are owed Foundation Aid.
- There 25 school districts that are both high need and majority Black and Latino.
- The students in these 25 districts represent 80 percent of the Black and Latino (Latinx) students in the state and 69 percent of the economically disadvantaged students in the state
- These 25 school districts are owed 62 percent (\$2.6 billion) of all Foundation Aid. The failure to fully fund Foundation Aid results in the failure to adequately fund schools that are majority Black and Latino.
- Research proves that increases in funding improve student outcomes. A 10 percent increase in funding results in 10 percent increase in graduation rates.¹
- The graduation rate for these 25 school districts is 69 percent compared to the 95 percent graduation rate wealthy districts in New York State have. Just 13 percent of the graduates

¹ Jackson, C. K., R. Johnson, and C. Persico. (2015). The effects of school spending on educational and economic outcomes: Evidence from school finance reforms. *The Quarterly Journal of Economics* 131(1): 157–218.

in these 25 districts earn an Advanced Regents diploma whereas 58 percent of the graduating cohort in wealthy districts earn an Advanced Regents diploma. The spending gap between wealthy and poor school districts in New York State is nearly \$10,000 per pupil and has grown by 24 percent under Governor Cuomo.²

- Governor Andrew Cuomo has consistently argued against fully funding Foundation Aid. In 2017, Cuomo attempted to repeal the Foundation Aid formula.
- Andrew Cuomo's failure to fund Foundation Aid perpetuates systemic educational racism.

Systemic racism in education = educational racism.

Systemic racism is “a system of social structures that produces and reproduces cumulative, durable, race-based inequalities.”³ Systemic racism in education is best described as *educational racism*.

In New York State, the chronic underfunding of schools, and the unwillingness to recognize and rectify the impact that this practice has, results in disparate outcomes for students. Regardless of the intent of a policy or law, if it results in inequities, then it has a discriminatory impact.⁴ New York State has one of the most inequitable education funding systems in the nation. It ranks 49th in the nation.⁵ This huge inequality, that is largely based upon race, is an example of systemic educational racism. The conclusion that Governor Cuomo's policies perpetuate educational racism is based upon the impact of his policies.

FOUNDATION AID: ITS ORIGIN AND WHAT IS MEANT TO DO

The Foundation Aid formula was implemented in 2007 as the statewide settlement of the lawsuit known as the Campaign for Fiscal Equity. Parents sued the state citing chronic underfunding of the schools their children attended, which constituted a violation of New York's constitution. The case went through all levels of the courts over the course of thirteen years. In 2006, the Court of Appeals, the highest court of the state, found in its final ruling that the state was violating its constitution by failing to provide “a sound basic education” to all children.

² <http://www.aqeny.org/2018/03/20/new-data-shows-record-level-school-inequities-gap-wealthiest-poorest-students-grown-cuomo/>

³ Lawrence & Keleher (2004). Structural Racism. <https://www.intergroupresources.com/rc/Definitions%20of%20Racism.pdf>

Race, Power, and Policy: Dismantling Structural Racism https://www.racialequitytools.org/resourcefiles/race_power_policy_workbook.pdf

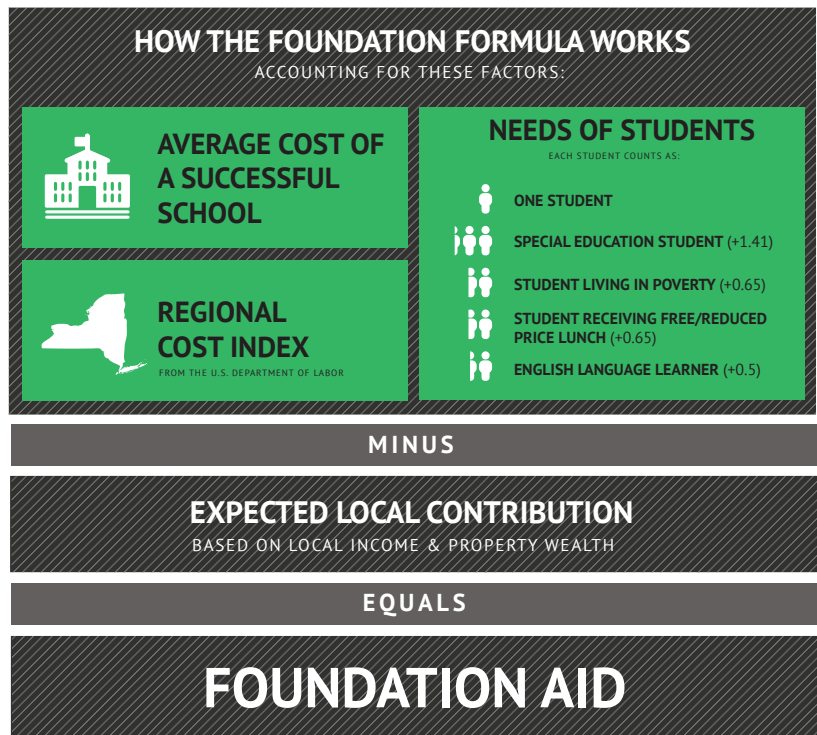
⁴ <https://www.naahq.org/sites/default/files/naa-documents/government-affairs/protected/recent-hud-actions-regarding-disparate-impact.pdf>

⁵ <https://www.thenation.com/article/how-unequal-school-funding-punishes-poor-kids/>; http://apps.urban.org/features/school-funding-do-poor-kids-get-fair-share/?link_id=2&can_id=9cbc219690344488b53b3bf9d05b4b81&source=email-statement-aqe-responds-to-cuomo-distortions-about-cfe-school-funding-equity&email_referrer=&email_subject=statement-aqe-responds-to-cuomo-distortions-about-cfe-school-funding-equity

In response to this ruling, newly elected Governor Spitzer and the legislature enacted into law the Foundation Aid formula. While the CFE case was specific to New York City, the Foundation Aid formula provided a statewide solution. The Foundation Aid formula is based on student need and drives more funding to high need, low income school districts. The state committed in 2007 to infuse \$5.5 billion in new aid to schools to redress the chronic underfunding of schools in low income communities and in communities of color.

Foundation Aid is key to the capacity of high need school districts to offer programming, material, and hire staff to meet their students' needs and prepare them for college and career. Foundation Aid is the state's operating aid that school districts depend on to provide educational programming.

The Foundation Aid formula is designed to level the playing field between wealthy districts and low-income districts, so that those districts with higher student need, and those with less local school revenue, receive more funding from the state. The State has failed to adequately fund the formula, leaving low-income high need districts behind and especially leaving behind districts that are majority Black and Latino (Latinx). The Foundation Aid formula was funded for two years when the state infused \$3.5 billion into schools, the majority of which went through the formula. The graphic below explains how it is intended to work,⁶ taking into consideration students in poverty, students with disabilities and English Language Learners. The Foundation Aid formula also takes into consideration a school district's ability to raise local revenue from its local school property taxes.⁷



6 Of course over the years, the Foundation Aid has been manipulated and changed to meet the budgetary constraints of each year, or the unwillingness of the Governor and the State Senate to prioritize investing in public schools.

7 For all districts that are not considered a large city, districts such as Albany or Brentwood.

According to the State Education Department (SED), New York owes districts \$4.2 billion in Foundation Aid.⁸ Sixty-two percent of this funding is owed to school districts that are defined a high need by SED and have 50 percent or more Black and Latino (Latinx) students. Only 25 school districts out of 674 in the state are both high needs and have 50 percent or more Black and Latino (Latinx) students. The table below shows how much Foundation Aid these 25 districts are owed, the percent of Black and Latino students they educate and the percent of economically disadvantaged students they have.

DISTRICT	FOUNDATION AID OWED 2017-18 (NOV)	% BLACK & LATINO STUDENTS	% ECONOMICALLY DISADVANTAGED
WESTBURY	\$ 41,170,730	97	93
ROCHESTER	\$ 111,770,258	86	91
WYANDANCH	\$ 21,389,063	98	91
BRENTWOOD	\$ 140,144,646	93	88
EAST RAMAPO	\$ 26,665,648	90	87
PEEKSKILL	\$ 13,906,816	88	83
BUFFALO	\$ 11,186,663	67	82
AMITYVILLE	\$ 102,910,545	90	82
CENTRAL ISLIP	\$ 65,471,860	92	79
SCHENECTADY	\$ 47,454,924	52	79
YONKERS	\$ 49,349,908	76	79
SYRACUSE	\$ 44,384,631	62	79
HEMPSTEAD	\$ 57,371,140	97	76
MIDDLETOWN	\$ 43,377,452	78	76
NEWBURGH	\$ 44,246,457	74	76
NEW YORK CITY	\$ 11,239,095	66	75
POUGHKEEPSIE	\$ 1,585,306,203	84	75
COPIAGUE	\$ 11,883,729	81	74
MOUNT VERNON	\$ 30,264,651	93	74
DUNKIRK	\$ 5,406,826	58	73
FREEPORT	\$ 48,947,816	88	72
PORT CHESTER	\$ 24,298,786	82	71
FALLSBURG	\$ 2,957,124	57	67
ALBANY	\$ 34,477,259	66	60
ROOSEVELT	\$ 22,422,210	100	51

Increasing funding equals better outcomes. Multiple research studies have provided ample evidence on the importance of funding in educational outcomes. When funding is increased by 10 percent, graduation rates increase by 10 percent. This impact is particularly strong for students from low income families. When education spending is increased sustainably and consistently, low income students are not only more likely to

⁸ <http://www.regents.nysed.gov/common/regents/files/1217saa1.pdf>

graduate, they are more likely to have higher wages as adults.⁹ Yet, in New York State, the districts with great need are owed the majority of Foundation Aid.

“Low-income students benefit most from increased spending. On average, these students spent about six more months in school, were 10 percentage points more likely to graduate high school, had 13 percent higher wages as adults, and were 6 percentage points less likely to live in poverty. Farther out, their family income increased by 17 percent.”¹⁰

Another study affirmed the link of increased spending with educational outcomes here in New York State. Specifically, the study found that increasing spending per pupil by \$1,000 results in increases in math and English achievement.¹¹ The authors write:

“As achievement gaps between privileged and disadvantaged students remain a persistent source of inequality in society (Clotfelter, Ladd and Vigdor 2009; Fryer and Levitt 2004; Fryer and Levitt 2006; Hanushek 1997; Reardon 2011), this study provides a persuasive case that greater investment in education could help close these gaps.”

A RECORD OF FAILURE

Governor Andrew Cuomo has a record of failing to fund public schools. When running for governor in 2010 he declared:

“The way we fund education through the property tax system, by definition is going to be unfair. And it is. The state is supposed to equalize or come close to equalizing with its funding. That’s the CFE lawsuit that the state is yet to fully fund.”

Yet, since he took office in 2011, he has exhibited an unwillingness to fund public schools and has argued that the state has met its Campaign for Fiscal Equity obligations. During his first year in office, he cut taxes on millionaires and made cuts to education funding that amounted to \$1.3 billion.¹² In the years following, his budgets only provided minimal increases of Foundation Aid, despite of his claims of record funding increases.

The increases that his budgets provided to schools barely keep up with inflation. In fact, the Foundation Aid increase since 2011 in real dollars has only been \$408 million for the entire state, or an annual increase of \$58 million, when inflation is taken into account.¹³

9 Jackson, C. K., R. Johnson, and C. Persico. (2015). The effects of school spending on educational and economic outcomes: Evidence from school finance reforms. *The Quarterly Journal of Economics* 131(1): 157–218.

10 Ibid.

11 Philip Gigliotti, Lucy C. Sorensen, Educational Resources and Student Achievement: Evidence from the Save Harmless Provision in New York State, *Economics of Education Review* (2018), doi: <https://doi.org/10.1016/j.econedurev.2018.08.004>

12 http://www.aqeny.org/wp-content/uploads/2017/09/AQE_whitepaper.pdf

13 For further explanation see <http://www.aqeny.org/2018/03/20/new-data-shows-record-level-school-inequities-gap-wealthiest-poorest-students-grown-cuomo/>. The analysis published in March 2018, shows that once adjusted for inflation, the Foundation Aid increase for the last seven year since Cuomo took office have been minimal despite

CUOMO'S SCHOOL AID INCREASES BARELY KEEP UP WITH INFLATION

	TOTAL SCHOOL AID	TOTAL FOUNDATION AID
Funding Level when Gov. Cuomo Took Office in 2011	\$20,666,644,420	\$14,893,624,660
2011 Funding + Inflation	\$23,260,867,700	\$16,763,176,000
Current Funding	\$23,260,867,700	\$16,763,176,000
Net Real Dollar Increase (including inflation)	\$1,855,787,870	\$409,587,848
Net Annual Real Dollar Increase (Including Inflation)	\$265,112,553	\$58,512,550

In the 2017 Executive budget proposal, the governor proposed repealing Foundation Aid, which would mean de facto erasing the commitment the state made to schools in 2007.

Advocates for public schools and the New York State Assembly have consistently disagreed with the Governor's budgets,¹⁴ pushing for fully funding the Foundation Aid formula and meeting the constitutional obligation.

Despite the governor's attempts to eliminate it, Foundation Aid continues to be part of current law. The amounts owed to school districts, as described in this report, are based upon the requirements of current law.

Underfunding schools in New York State has negative and disparate impacts for Black and Latino and low income students. This is educational racism.

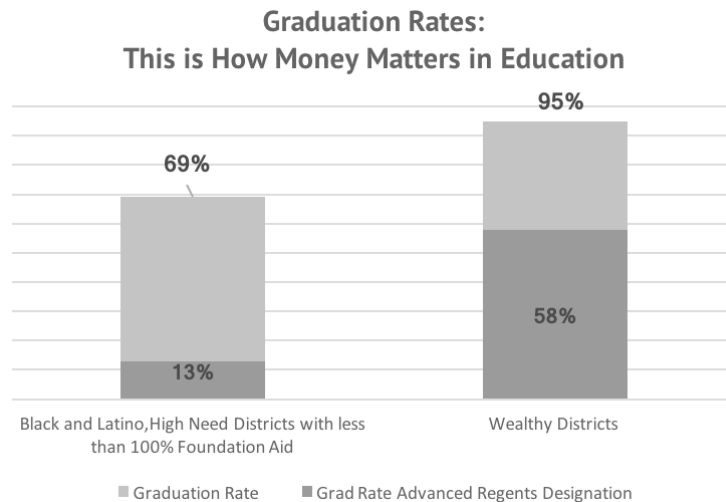
The Journey for Justice Alliance, a nationwide alliance of grassroots community, youth, and parent-led organizations, “defines ‘education’ as the experience of ‘inspiration and information that prepares young people for successful adulthood and to positively impact society.’ We assert that all students deserve the right to a public school education that not only teaches them the basics of reading, writing and math, but also serves as a porthole to the possible: the chance to see and experience a wide range of academic and artistic paths to follow as they become productive adults. This experience has been systematically denied to Black and Brown children in the United States.”¹⁵

rhetoric to the opposite.

14 <http://www.gothamgazette.com/index.php/government/5414-cuomo-record-education-first-term-governor-new-york>

15 Journey for Justice Alliance: Failing Brown v. Board: A continuous struggle against inequity in education. <https://>

The failure to fully fund Foundation Aid in New York means failing to fund schools that the majority of Black and Latino (Latinx) students attend. This translates into disparate outcomes based upon race. Wealthy districts, where schools spend on average nearly \$10,000 more per pupil, graduate 95 percent of their students, with the majority of them earning the Advanced Regents designation. In contrast, the districts that the state classifies as high need and with more than 50 percent Black and Latino (Latinx) students—districts which all have been chronically underfunded by the state--graduate 69 percent of their students with only 13 percent of them earning Advanced Regents designation.



FUNDING & EDUCATIONAL RACISM

The failure to fully fund schools is perpetuating educational racism. Educational racism is evident in many different ways in our schools. The most obvious example is the large difference in graduation rates and the the lack of adequate educational opportunities that many Black and Latino (Latinx) students have. A majority of Black and Latino (Latinx) students attend underfunded schools, which often lack up-to-date textbooks or technology, have overcrowded classrooms, and do not offer music and art every week because of the lack of space or teaching staff. Many Black and Latino (Latinx) students have been consistently deprived of programs that enable their White peers to graduate high school and be admitted to the college of their choice.

“But today racism has gone underground and modern-day cross burnings are done with a calculator. We see this in how New York state manipulates school funding formulas and fails to adequately fund our schools in our neediest communities like the South Bronx, Syracuse and Utica or – in my own Long Island. Assembly district – Brentwood and Central Islip.”¹⁶

—Assemblymember Phil Ramos

www.j4jalliance.com/failing-brown-finding-and-demands/
 16 Assembly member Phil Ramos’ op-ed where he discusses educational racism. <https://www.cityandstateny.com/articles/opinion/opinion/combat-racism-fund-needy-schools.html>

Governor Cuomo has been unwilling to prioritize the needs of students in the high need, predominantly Black and Latino (Latinx) school districts of our state.

Twenty-five school districts out of 674 educate 80 percent Black and Latino (Latinx) students in the state, and 69 percent of the students in the state that economically disadvantaged.

Governor Cuomo has been unwilling to prioritize the needs of students in the high need, predominantly Black and Latino (Latinx) school districts of our state. Twenty-five school districts out of 674 educate 80 percent Black and Latino (Latinx) students in the state, and 69 percent of the students in the state that economically disadvantaged. While two-thirds of the districts across the state are still owed Foundation Aid, 100 percent of these districts are owed Foundation Aid. In fact, these 25 school districts are owed 62 percent of the Foundation Aid that has gone unpaid. The failure to implement policies that prioritize the needs of Black and Latino students perpetuates educational racism.

DATA AND METHODOLOGY

The data for this report was provided by the New York State Education Department electronic school aid files for the November update for 2017-18. The data for the demographic information is also from the State Education Department and can be retrieved at <https://data.nysed.gov/downloads.php>. To calculate the Foundation Aid districts are owed, we used the 2017-18 Foundation Aid amount published in the November update for 2017-18 for school districts and subtracted it from the amount of Foundation Aid these districts would have received had the formula been fully funded and phased in. The amount of Foundation Aid that each district would have received had the formula been fully funded and phased in is published in the same file SED provides. The 25 school districts analyzed in this report met two criteria:

1. They are all high needs.
2. They all have 50 percent or more Black and Latino students.