

THE REAL NUMBERS

*GOVERNOR CUOMO'S
EDUCATIONAL EQUITY HOAX*



**PUBLIC POLICY AND
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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.

The Public Policy Education Fund was founded in 1986 to address critical social, economic, racial and environmental issues facing low and moderate income New York State residents. Our areas of work have included health care, education, after-school programs, voter participation, economic development and consumer issues. PPEF uses many tools in its work, including grassroots organizing, research and policy development, public education on a wide range of policy issues, and community outreach.

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INTRODUCTION

Andrew Cuomo has embraced the creed of educational equity with all the sincerity of a street corner con man. In the age-old shell game, a scam artist hides a ball under one of three shells and then rapidly moves the shells around to distract your eyes while he palms the ball so that, in the end, it will not be under any of the shells. Likewise, Governor Cuomo is distracting the press, politicians and the public: he is attempting to shift the blame for school funding inequity to local school districts, when in actuality it is due to his consistent failure to provide adequate state funding for schools. He spent the past eight years offering every imaginable excuse for why he will not deliver the educational equity promised when, in response to the Campaign for Fiscal Equity lawsuit, the Foundation Aid formula was enacted. Now, as he loudly proclaims that he is the true champion of educational equity, **the Governor doth protest too much**. His assertion that the cause of inequity is that poor school districts are sending their money to wealthy schools is false and he knows it. **The truth is, there are very few or zero wealthy schools in poor school districts**. Cuomo is running his shell game to distract the press, the legislature and the public from the fact that he simply refuses to address the constitutional requirement to provide all students a “sound, basic education.”

SHOULD LOCAL SCHOOL DISTRICTS TARGET FUNDING TO THE NEEDIEST SCHOOLS? YES

Cuomo is correct that school districts should target funding to the neediest schools in their districts, and the Alliance for Quality Education has consistently supported such requirements. However, the Governor distorts the facts about how districts allocate their funds in order to distract attention from the real source of inequity, which is the lack of adequate state funding. It is the responsibility of New York State to target state funding to the neediest school districts, based on the amount calculated using the Foundation Aid formula. Cuomo has refused to meaningfully fund Foundation Aid for the eight years he has been in office. If Cuomo fully funds Foundation Aid, then it makes sense to require the largest portion of the funds to be targeted to the neediest schools within those districts, such requirements exist in current law and AQE would support the strengthening of those requirements.

TAKING FROM POOR SCHOOLS TO GIVE TO EVEN POORER SCHOOLS

When it comes to education inequity Governor Cuomo claims, “Statewide we do not have a funding issue.”¹ Instead, he asserts that the State is fairly allocating funds to poorer school districts, but the districts are sending those funds disproportionately to the wealthy schools in their districts. He highlights the Big 5 cities, Buffalo, Rochester, Syracuse, Yonkers and New York City to make his case.

Governor Cuomo has an Orwellian definition of what constitutes a “wealthy school.” The State Education Department’s economically disadvantaged measure shows that almost all of the schools in the Big 5 cities have extremely high poverty rates—with over 50 percent of students living in poverty in almost every single school.

OVERWHELMINGLY POOR DISTRICTS HAVE ALMOST NO WEALTHY SCHOOLS

Buffalo

- 54 of the 56 schools have a poverty rate above 50 percent;
- Schools that Governor Cuomo considers to be wealthy and receiving too much money have a poverty rate as high as 78 percent.²

Rochester

- Every single school has a poverty rate in excess of 50 percent;
- Schools that Governor Cuomo considers to be wealthy and receiving too much money have a poverty rate as high as 88 percent.

Syracuse

- Every single school has a poverty rate in excess of 50 percent;
- Schools that Governor Cuomo considers to be wealthy and receiving too much money have a poverty rate as high as 73 percent.

¹ “Capitol Pressroom: Governor Andrew Cuomo,” WCNY, January 16, 2019: <https://www.wcny.org/january-16-2019-governor-andrew-cuomo/>

² Based on the following report: Uneven Distribution of Education Aid within Big 5 School Districts in New York State, Rockefeller Institute, November 14, 2018: <https://rockinst.org/issue-area/uneven-distribution-of-education-aid-within-big-5-school-districts-in-new-york-state/>

Yonkers

- 36 out of 40 schools have a poverty rate above 50 percent;
- Schools that Governor Cuomo considers to be wealthy and receiving too much money have a poverty rate as high as 69 percent,

New York City

- 9 in 10 schools have a poverty rate above 50 percent;
- Schools that Governor Cuomo considers to be wealthy and receiving too much money have a poverty rate as high as 62 percent.

By any sincere definition, the schools in these districts that Governor Cuomo labels “wealthy” are in fact high poverty schools, and would be the highest poverty schools in the vast majority of average need as well as truly wealthy school districts.

SCHOOL FUNDING INEQUITY IS A STATE PROBLEM

Governor Cuomo asserts that school funding inequity is a local problem, not a state problem. The facts prove him wrong. To justify these assertions, Governor Cuomo primarily relies on a policy paper by his “policy guru”³ Jim Malatras, who formerly served as his Cuomo’s Director of Operations and is now the president of SUNY’s Rockefeller Institute. However, when you examine the details, even in the Malatras policy paper, New York City and Rochester already spend more in their poorest schools than in other schools, and Syracuse spending “is fairly evenly distributed.”⁴

By contrast, the huge inequities *between* school districts in New York State have been well-documented in numerous national reports. **Most recently, the Urban Institute found that New York State was the second most inequitable state nationally in funding between districts.**⁵ There are a number of wealthy school districts in the state; on average, wealthy school districts spend \$9,923 more per pupil than the poorest school districts in the state.⁶

3 As described in Governor Cuomo’s State of the State/Budget address January 15, 2019.

4 Uneven Distribution of Education Aid within Big 5 School Districts in New York State, Rockefeller Institute, November 14, 2018: <https://rockinst.org/issue-area/uneven-distribution-of-education-aid-within-big-5-school-districts-in-new-york-state/>

5 “School Funding: Do Poor Kids Get Their Fair Share?” Urban Institute, retrieved January 17, 2019: <http://apps.urban.org/features/school-funding-do-poor-kids-get-fair-share/>

6 “New Data Shows Record Level School Inequities: Gap Between Wealthiest & Poorest Students Has Grown Under Cuomo,” Alliance for Quality Education, March 20, 2018: <https://www.aqeny.org/2018/03/20/new-data-shows-record-level-school-inequities-gap-wealthiest-poorest-students-grown-cuomo/>

Buffalo

Andrew Cuomo's solution for Buffalo includes requiring the school district to take money away from high poverty schools like Bennett Park Montessori School, a school with a 78 percent poverty rate, and redistribute it to even higher poverty schools like Buffalo Elementary School of Technology, which has a 92 percent poverty rate. But if the state were to provide Buffalo the \$116 million in Foundation Aid that is owed under current state law then there would be no need to reduce educational opportunities at Bennett Park Montessori in order to increase them at Buffalo Elementary School of Technology.

Rochester

Andrew Cuomo's solution for Rochester includes requiring the school district to take money away from high poverty schools like Early College International High School, a school with a 88 percent poverty rate, and redistribute it to even higher poverty schools like School 22, which has a 98 percent poverty rate. But if the state were to provide Rochester the \$97 million in Foundation Aid that is owed under current state law then there would be no need to reduce educational opportunities at Early College International High School in order to increase them at School 22. Rochester already spends more per pupil in its poorest schools.

Syracuse

Andrew Cuomo's solution for Syracuse includes requiring the school district to take money away from high poverty schools like Meachem Elementary, a school with a 73 percent poverty rate, and redistribute it to even higher poverty schools like McKinley-Brighton Elementary, which has a 92 percent poverty rate. But if the state were to provide Syracuse the \$45.4 million in Foundation Aid that is owed under current state law then there would be no need to reduce educational opportunities at Meachem in order to increase them at McKinley-Brighton. Syracuse already distributes funding equally between schools.

Yonkers

Andrew Cuomo's solution for Yonkers includes requiring the school district to take money away from high poverty schools like Khalil Gibran School, a school with a 69 percent poverty rate, and redistribute it to even higher poverty schools like School 23, which has a 94 percent poverty rate. But if the state were to provide Yonkers the \$46 million in Foundation Aid that is owed under current state law then there would be no need to reduce educational opportunities at Khalil Gibran in order to increase them at School 23.

New York City

Andrew Cuomo’s solution for New York City includes requiring the school district to take money away from high poverty schools like PS 106 Parkchester, a school with a 62 percent poverty rate, and redistribute it to even higher poverty schools like PS 28 Mount Hope, which has a 99 percent poverty rate. But if the state were to provide New York City the \$1.5 billion in Foundation Aid that is owed under current state law then there would be no need to reduce educational opportunities at PS 106 Parkchester in order to increase them at PS 28 Mount Hope. New York City already spends more per pupil in its poorest schools.

High Need Small Cities, Rural and Suburban School Districts

Some of the neediest school districts in the state are high need small cities, rural and suburban districts. From Utica to Ellenville to Westbury, the unmet educational needs due to inadequate funding are significant. The Governor did not focus on these districts in his attacks on Foundation Aid, but they are owed a total of \$1.13 billion in Foundation Aid.

THE PURPOSE OF FOUNDATION AID IS WIDELY MISUNDERSTOOD

The New York State Constitution does not require equity in education, though equity is a goal that is widely shared across the state. However, it does require that every student has access to an adequate education, defined by the courts in *Campaign for Fiscal Equity v. State of New York*. as a “sound, basic education” and a “meaningful high school education.”⁷ The purpose of such an education, according to the Court of Appeals, is to prepare students to “function productively as civic participants.” In a recent interview on WCNY radio, Governor Cuomo acknowledged that the state’s neediest schools do not have the educational resources that students need — an admission that needy students are not receiving access to an adequate education that is their constitutional right.⁸

The Foundation Aid formula is often viewed as a method to divide up an arbitrary amount of funds between school districts, but this is a gross misunderstanding. The Foundation Aid formula was designed through a comprehensive costing-out study undertaken by the New York State Board of Regents. This formula calculates what it will cost for each district to provide a “sound, basic education” to all the students they serve, the bare minimum required by the state Constitution. In making this calculation, the Foundation Aid formula factors in the additional costs of educating students living in poverty, students with disabilities and English language learners. By refusing to fully fund the Foundation Aid according to the formula, Governor Cuomo is denying

7 *Campaign for Fiscal Equity v. State of New York*, 86 NY2d 307, 316 [1995] [CFE I]

8 “Capitol Pressroom: Governor Andrew Cuomo,” WCNY, January 16, 2019: <https://www.wcny.org/january-16-2019-governor-andrew-cuomo/>

students access to the minimum education that is their constitutional right.

New York State enacted the Foundation Aid formula in 2007. Governor Cuomo has falsely asserted that Foundation Aid has nothing to do with the Campaign for Fiscal Equity (CFE).

- When it was enacted, Governor Spitzer asserted that “the Four Year Educational Investment Plan addresses the Governor’s commitment to provide a statewide solution to the schools funding needs highlighted by the Campaign for Fiscal Equity lawsuit.”⁹
- Assembly Speaker Silver said, “the Governor’s plan addresses the court-ordered requirements of the Campaign for Fiscal Equity lawsuit.”¹⁰
- The Republican Senate Majority said, “the infusion of school aid dollars will both meet the mandate of the Court of Appeals decision in CFE v. The State of New York, and will provide school districts with a fair, transparent, and predictable aid program that properly reflects the needs of students and taxpayers across the entire state.”¹¹
- And in 2010, Attorney General Andrew Cuomo, while running for Governor said, “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.”¹²

When the State Education Department identifies each year how much money is owed to school districts under the Foundation Aid formula, it is based on current law. And, more importantly it is based on what it will take to actually ensure every student has access to an adequate education.

AQE has been one of the few voices that has always supported mandates in law that require school districts to target Foundation Aid to the neediest schools within their districts. Due to our advocacy, the Contract for Excellence required that 75 percent of new Foundation Aid be targeted to the 50 percent of schools with the highest need in a district.¹³ Unfortunately, since Andrew Cuomo has never supported the Foundation Aid formula, this requirement has been meaningless since he took office. AQE would support additional approaches to ensure that the largest share of resources are targeted to the very highest need schools and students within districts, but this has to be coupled with fully funding Foundation Aid or it is simply robbing Peter to pay Paul.

9 2007 New York State Executive Budget Briefing Book

10 “2007 Yellow Book,” New York State Assembly: <http://assembly.state.ny.us/Reports/WAM/2007Yellow/>

11 “Senate Budget Increases School Aid By \$514 Million,” NYS Senate: <https://www.nysenate.gov/newsroom/in-the-news/james-l-seward/senate-budget-increases-school-aid-514-million>

12 “Debate: Cuomo Gets Specific On Education,” New York State of Politics, October 9, 2010 (Retrieved January 17, 2019): <https://www.nystateofpolitics.com/2010/10/debate-cuomo-gets-specific-on-education/>

13 “Contracts for Excellence,” New York State Education Department: http://www.p12.nysed.gov/mgtserv/C4E/referen_home.html

REAL EQUITY MEANS REAL INVESTMENT

Governor Cuomo's policies have consistently stood in the way of providing even the basic level of educational adequacy to every student. In fact, in his budget briefing book, rather than providing a progressive vision of education, he explicitly embraces the tight-fisted policies of conservative Republican George Pataki who spent his entire 12 years in office fighting the CFE. There is no credible explanation for Governor Cuomo's new found evangelism about equity except that he is trying to run a hoax on New Yorkers by intentionally distorting the facts.