

A photograph of children's hands stacking colorful wooden blocks on a patterned surface. The blocks are in various colors including blue, yellow, orange, green, and purple. The background is slightly blurred, showing more blocks and a white paper with a drawing.

# BUILDING BACK BETTER

THE FEDERAL DOWN PAYMENT  
ON STUDENTS' RECOVERY,  
AND NEW YORK'S RESPONSIBILITY  
TO MAKE IT HAPPEN

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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.

# BUILDING BACK BETTER

## THE FEDERAL DOWN PAYMENT ON STUDENTS' RECOVERY, AND NEW YORK'S RESPONSIBILITY TO MAKE IT HAPPEN

### INTRODUCTION

A year marked by COVID-19 lockdowns, restrictions, social distancing and remote learning has taught us a lot about who we are as a state and who we would like to be. A recent study found that school districts, particularly high need urban districts, are facing the “triple squeeze of rising costs, declining revenue and increased student need.”<sup>1</sup> These challenges are not new, but they have been exacerbated by COVID-19. **In order to get students back to school safely and equitably, the state needs adequate resources invested in public education, clear guidance to implement strategies that work with meaningful family engagement, and a laser focus on ensuring that students’ needs are met regardless of race, zip code or income.**

The federal government has authorized \$12 billion for education for New York between the Consolidation Act (CARES II) and the America Rescue Plan. This funding must be accompanied by a state strategy that raises revenues and invests in the public education system in the long term.

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# WHAT COVID-19 HAS MEANT FOR STUDENTS & FAMILIES

On March 16, 2020 Governor Cuomo ordered the state into lockdown, or, as he called it, “New York on pause,” shutting down via executive order school buildings, restaurants, retail stores, nonprofit organizations, and more. Many New Yorkers had to figure out how to juggle parenting, working, and helping children with remote learning, amidst the emotional stress of a global pandemic. In many school districts, in particular high need school districts, there were not enough devices for children to be able to access remote learning. In addition, students had to deal with the lack of access to reliable high speed internet. Before school buildings were closed and during the closure last spring, only about 34 percent of students had access to a school-provided device.<sup>2</sup> An additional 19 percent of students had access to a device at home. The highest percentage of students without access to a device or high speed internet was in high need urban, suburban and rural schools.<sup>3</sup>

As the new school year began in September 2020, school districts implemented a combination of remote and in person learning, after a summer of planning the safe reopening of school buildings and engaging families, students and community members to varying degrees. Many districts were faced with a fiscal reality that limited their options in their reopening plans, and many families felt that their voices were not heard in the decision making process. The [Roadmap for a Just Reopening and Just Schools](#), published over the summer, offered solutions that were built on adequate resources and meaningful engagement of the community. Some districts engaged in this process, but most were not equipped to do so.

Since the pandemic began, students' **social/emotional needs have increased** as a result of the trauma their families and communities have experienced, including the loss of loved ones; their parents' loss of employment and the resulting insecurity in housing, food and meeting of basic needs; social isolation; lack of peer interaction, and more. Students have also experienced **loss of learning** as remote instruction has not reached every student and/or was not effective for every student.

Some students, in particular Black and brown low income students, have been impacted by the above to a much greater extent than other student populations due to structural inequity.

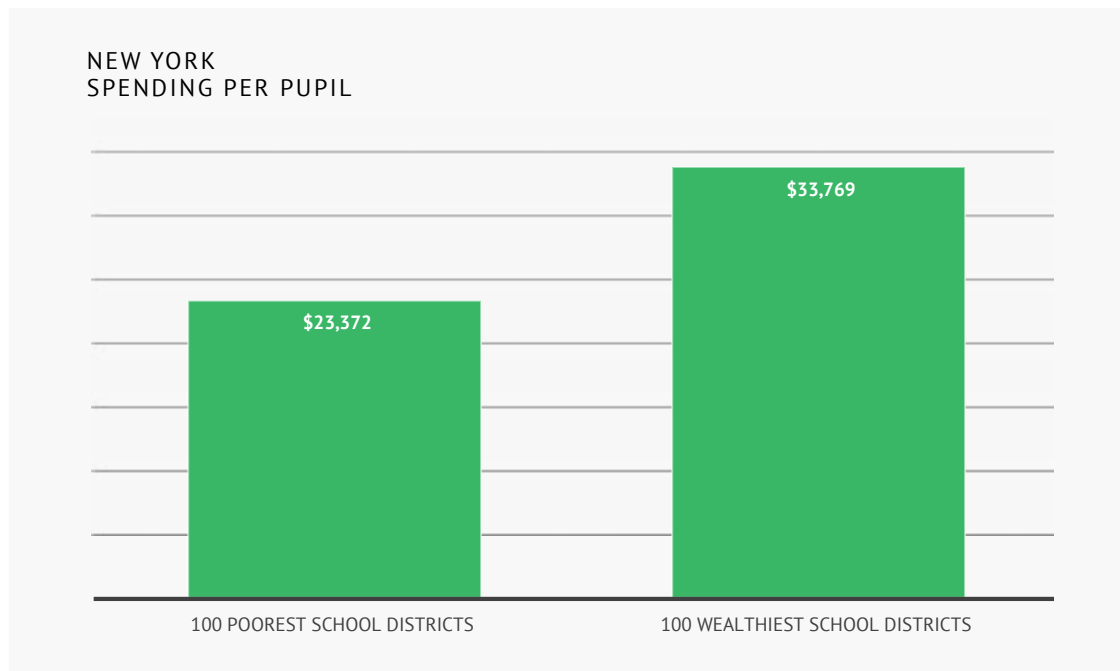
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## WHAT HAVE WE LEARNED?

Three hundred and sixty-five days into the pandemic, we are still in lockdown. New Yorkers have lost loved ones, students are still attending school remotely, we are missing holidays with family while eagerly awaiting a vaccine. Our students' futures depend on how New York's leaders choose to respond to this ongoing crisis.

The inequity that this crisis has exacerbated in our schools is not new. New York's underfunding of public schools dates back decades to when parents sued the state for inadequately funding public schools — a lawsuit that parents won in 2006, and which is the reason why the state must report every year how far behind it is on payments of Foundation Aid to school districts. **The spending gap between the 100 poorest and 100 wealthiest school districts across the state is \$10,397 per student.** This gap, which is really an opportunity gap, is a permanent roadblock to equity and justice. Not only are the 100 poorest school districts shorted the most on Foundation Aid and threatened with disproportionate cuts, but they are also less able to raise local revenue from property taxes.

The pandemic shed a renewed light on what had been going on for decades. **During the pandemic, the very same students whose schools have historically been underfunded continue to be the ones with the least access to safe, engaging, high quality instruction.**<sup>4</sup>



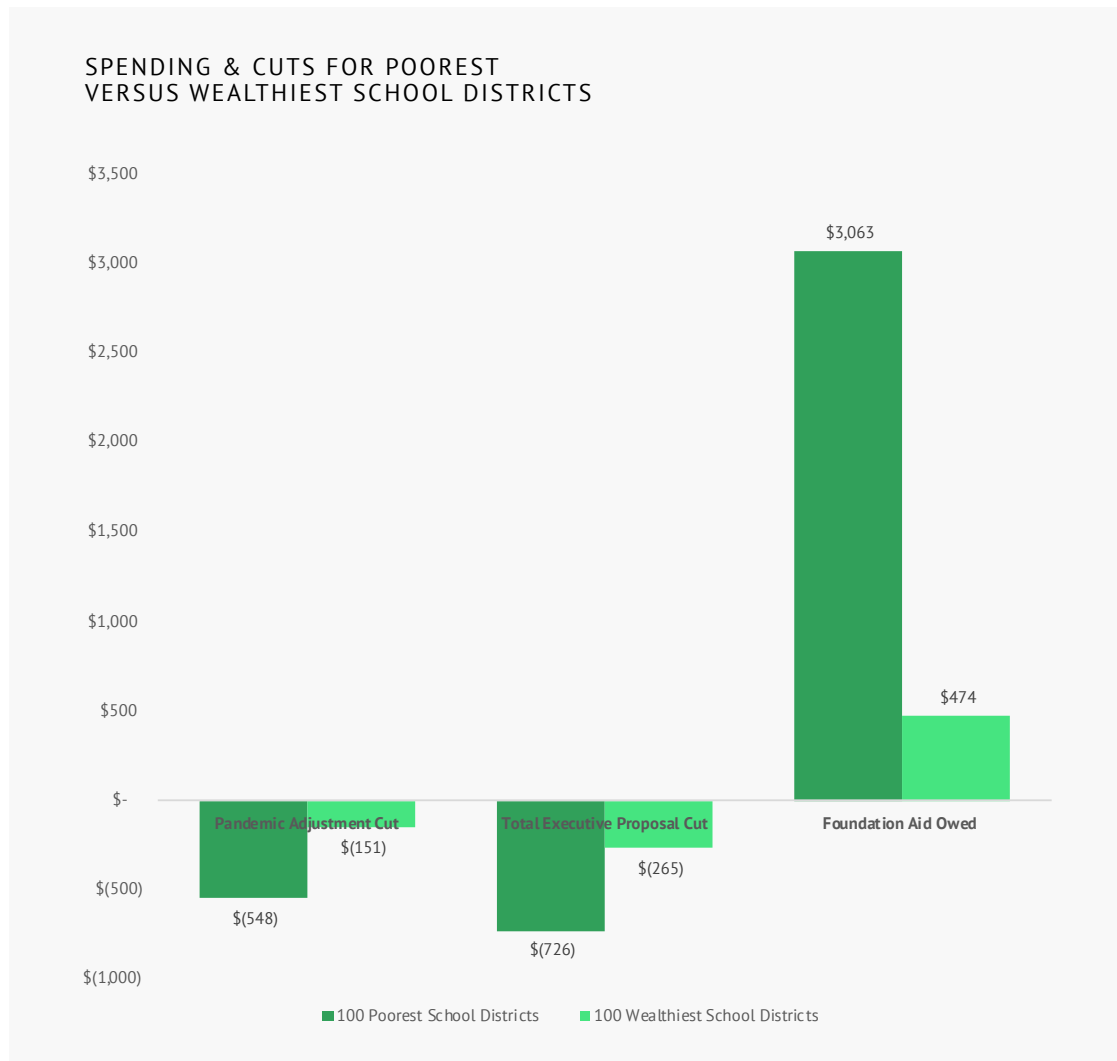
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## HOW GOVERNOR CUOMO'S COVID-19 RESPONSE FAILED NEW YORK'S STUDENTS

When the state lockdown began, New York leaders were in the midst of negotiating the 2020-21 state budget. Meanwhile, Congress began working on crafting a relief package to help states stay afloat and deal with the additional costs of COVID-19, such as personal protective equipment (PPE), cleaning supplies, additional medical personnel, and emergency funds to continue paying child care workers and teachers who were providing services to essential workers. The result of that effort was the passage of the CARES Act, which brought New York much needed relief, including an additional \$1.1 billion in aid for public schools. However, Governor Cuomo used that money to supplant existing state aid to schools by implementing a cut (Pandemic Adjustment) to the state

education budget equivalent to the CARES allocation that each school district was to receive.<sup>5</sup> Supplanting federal aid, combined with the excessive power that the governor was granted, allowed him and the Division of Budget director to make rolling cuts or “withholdings” as they saw fit. For the remainder of the year, the Governor made regular threats to withhold 20 percent of aid from schools. This pushed some school districts to implement cuts in the beginning of the school year, as they worried about the stability for their finances.

School districts that educate the majority of Black, Latinx and low income children in New York State were impacted the most by the supplanting of state aid, further exacerbating the chronic underfunding they had been facing before COVID-19.<sup>6</sup> The chart below illustrates how the 100 poorest and 100 wealthiest districts in the state are impacted by the cuts to state aid enacted in April 2020, the remaining unpaid funding to Foundation Aid, and the cuts to state aid proposed in the executive budget for 2021.<sup>7</sup> The 100 poorest school districts are owed the most Foundation Aid, as is calculated annually by the State Education Department and the Board of Regents, at an average of \$3,000 per student. Foundation Aid is school operating funding which is unrestricted and is the largest source of funding for school districts by the state. School districts use Foundation Aid funds to pay for educators, support staff and the like. Foundation Aid was supposed to be fully funded by 2011. Yet, ten years later, the state is still \$4 billion behind on keeping its promise to New York’s students.



To compound the effects of the chronic underfunding, the state aid cuts in April of 2020 which were an amount equal to the federal relief funding that each school district received through the CARES Act, affected high needs school districts two to three times more than their wealthiest counterparts.<sup>8</sup> Poor school districts rely heavily on state aid to fund their schools than wealthy districts, therefore they are disproportionately affected by the proposed cuts in state aid. The average amount that the 100 poorest districts lost per student in the 2020-21 budget was \$548, as opposed to only \$151 per student for the 100 wealthiest school districts.

Adding insult to injury, Governor Cuomo is again proposing to supplant federal aid from the second stimulus package. The 2021-22 executive budget proposal would implement permanent cuts to state aid that would create another void in the resources that school districts need to meet the growing needs of their students. The average proposed state aid cut for the 100 poorest school districts for 2021-22 would be \$726 per student, almost three times as much as the average proposed cut to the 100 wealthiest school districts. An additional cut of \$1.3 billion in state aid to education would have a devastating impact on high need schools.

**Poor school districts are being squeezed harder than other districts, rendering their ability to meet students' needs further unattainable.**

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## **BUILDING BACK BETTER: FEDERAL AID & STUDENTS' RECOVERY**

As New York moves forward to planning for the summer of 2021 and for the school year ahead (2021-22), and with the new state budget and an infusion of federal funding on the horizon, we must not repeat the mistakes of the past.

**The federal government has passed an enormous relief package for states, the American Rescue Plan, including New York.**

These funds, albeit non-recurring, must be used to meet the unique and urgent needs of students. New York State must find a way to build on these investments to maintain services for students through recurring funding streams. Investing in the right solutions for our students *cannot be optional*. We need accountability and transparency as districts adopt strategies that uphold the rights of students and families, and include meaningful public engagement in the decision making process to ensure the success of these strategies. None of the solutions that follow are new concepts. In fact, several exist in current state law. New York State and school districts should make use of these mechanisms.

The federal government's unprecedented investment in education and early education will provide \$12 billion to New York state's K-12 system to be spent over the course of two years. These funds are largely unrestricted, though there are streams of funding earmarked for specific strategies such as after school programs, summer learning programs, programs and services for homeless students. More importantly, this funding will allow the state to build a better education system. The opportunity to think about what works in 2021 and in years to come.

## **SOCIAL, EMOTIONAL, ACADEMIC FOCUS**

Social/emotional and behavioral needs of students are estimated as having doubled or tripled in the current year.<sup>9</sup> Districts must prioritize using these new resources to:

- Hire the appropriate staff, both educators and support staff – social workers, psychologists, paraprofessionals, teaching assistants, nurses, etc. – to address student and faculty trauma.
- Recruit and retain diverse, racially, ethnically, culturally, and linguistically diverse staff.
- Implement culturally responsive and sustaining educational (CRSE) programs to ensure that students and educators feel welcomed and supported.
  - Invest in CRSE training for all school staff
- Ensure that the adults in each school building have the ability, time and resources to build strong relationships with each other and with their students.<sup>10</sup>
  - Invest in restorative practices training for all school staff
- Allow multi-age grouping of students to ensure that learning is happening at a developmentally appropriate level. This could mean that students have the opportunity to take a second year of prekindergarten to address the trauma and loss that this last year has brought.

**[WE NEED TO BE] TEACHING STUDENTS ABOUT THEIR HISTORY, PROBLEMS WITHIN SOCIETY AND HOW TO BE A TRANSFORMATIVE FIGURE IN THEIR OWN COMMUNITY AND SOCIETY... [AND] SHOW LEADERS THAT HAVE FOUGHT FOR LIBERATION AND EMPOWER STUDENTS.<sup>11</sup>**

— *New York City high school student*



## [WE MUST] CONTINUE TO DEVELOP RESTORATIVE PRACTICES — FOR STUDENTS, IN LEARNING SPACES, IN LEADERSHIP SPACES, IN MEDIATION SPACES — AND ALSO FOR TEACHERS, STAFF MEMBERS, AND COMMUNITY MEMBERS.<sup>12</sup>

— *New York City educator*

### MAKING STRATEGIC USE OF SUMMER PROGRAMMING

In planning for summer learning programs, school communities must think outside the box and move beyond the traditional summer school.<sup>13</sup> With a percentage of the federal funding dedicated to specific strategies, such as summer learning, school officials must engage the community and seek to engage in partnerships with community based organizations that offer summer camps. Summer programs allow students to be outside, engage in hands-on activities and sports, then add an academic component to ensure engagement and success in accelerated learning.

Twenty percent of the funding must be spent in helping students catch up academically through strategies such as summer learning, extended day and extended year programs.<sup>14</sup> Extending the school year and/or the school day, where collective bargaining agreements allow, or re-thinking the academic calendar in a way that meets the needs of families in 2021 and beyond is another successful strategy to implement. Targeted tutoring in addition to the extended day or year to address academic needs of some students who experienced more learning loss than others.

The state can help districts and schools make the best use of summer learning and development opportunities by:

- Developing guidance to help schools and districts plan for summer 2021 and develop a range of learning opportunities that offer students academic and social-emotional support as well as time for recreation and developing/strengthening peer relationships.
  - Organizations like the [Partnership for Children and Youth in California](#) and the [National Summer Learning Association](#) have already developed workshops and webinars walking schools, districts and community partners through the hallmarks of and the planning process around creating impactful summer 2021 learning and development opportunities.
- Using one-time federal relief funds to help schools and districts provide “summer boot camp.” This would include bringing experts in the field to help districts and schools understand, plan, and implement summer experiences that will have a direct and measurable impact on student learning and social-emotional health.
- Using one-time federal relief funds to train teachers over the summer on the science of learning and development so they are prepared to incorporate these principles into their teaching going forward.

- By using the summertime as a resource not just for preparing students for the 2021-2022 school year but also as a time to prepare teachers, New York state can derive maximum value by focusing on capacity-building that will carry over into practice and have an impact well beyond the life of the funding.

## MAKE EVERY SCHOOL A COMMUNITY SCHOOL

Most, if not all, the recommendations above can be implemented through the community school strategy and model. Community schools are places where the needs of the entire community can be met; a physical space to offer social, emotional, health, mental health, academic needs of the students, their families, and the community they are in. Community schools work for every community, but are particularly important for low income, high need communities.

The process of becoming a community school involves doing an excessive needs assessment and building a model that meets those needs. New York state has invested \$250 million in community schools over the last few years, an investment that created hundreds of community schools across the state with much success because these schools combine all of the programs and services that students need and bring in the community partners that not only offer services – often free of charge – but also benefit themselves as they can access funding for the services they offer.

It is imperative that the state incentivize implementing community schools to build on the success the strategy has had in the state, especially during this pandemic time in which needs have increased. The state should provide a timeframe for implementation and technical support for all communities, particularly high needs communities, that choose to implement it.

## ACCOUNTABILITY & TRANSPARENCY IN THE USE OF FUNDING

Public education in New York State, and across the nation, has never before experienced a funding infusion such as the current investment expected from the federal government. The combined relief package passed in December and the American Rescue Plan passed in early March will bring an enormous amount of funding to the state's public schools, which must be spent wisely. School districts may be able to spend these funds over the course of two academic years. However, the state must take every step necessary to ensure accountability and transparency in this spending. Luckily for the state, there many existing mechanisms that can be used to ensure that transparency.

Current law includes a public engagement process called the **Contract for Excellence**. Through this process, school districts must develop a plan on how to spend funds, including creating a plan with the contribution of the community and publicizing the plan. This is a process that can be followed before releasing the new federal aid to districts.

In addition, school districts currently report their spending in the financial transparency reporting, a requirement from both the Every Student Succeeds Act and state law. The reporting can be used for accountability of these funds as well, though adjustments must be made in order to add the specific areas that school districts are spending their funds and engage the public in the process of deciding the areas of spending.

Lastly, the [Educational Rights Transparency for New York Families Act](#) is another tool that should be enacted into law and used to ensure accountability and transparency for the federal relief funds. The Educational Rights Transparency Act addresses the educational resources that must be available to all students based on the New York State constitution. School districts and school boards are obligated to notify families about their rights and report to the state whether they have the resources to meet those educational standards.

Of note is that, even after the federal relief funding is accounted for and spent, the state continues to have an obligation to provide quality education to all. Without sufficient *state* investment in our education system through raising sustainable and recurring revenue, school districts will face the most severe funding cliff they have ever confronted. The state must pass revenue raisers such as those included in the [Invest in Our New York Act](#) to sustain any progress the system can make with the federal funds.

**This is a moment to build back our education system better. A unique moment to use funds to meet unique needs. The federal government is making a down payment in the recovery of our education system. The state's obligation is to spend it wisely, on strategies that work, with the meaningful input of families and communities, while tracking and accounting for that spending. The state must sustain any progress made, any re-building of our education system, in a way that is better than before.**

# ENDNOTES

- 1 <https://www.erstrategies.org/cms/files/4709-cost-of-covid-updated-2.pdf>
- 2 <http://www.nysed.gov/common/nysed/files/programs/edtech/spring-2020-digital-equity-survey-results.pdf>
- 3 See endnote 1.
- 4 <https://www.erstrategies.org/cms/files/4709-cost-of-covid-updated-2.pdf>
- 5 <https://www.aqeny.org/2020/09/02/set-up-to-fail-how-cuomos-school-cuts-target-new-yorks-black-brown-students/>
- 6 For an extensive list of publications speaking to this issue please visit [www.aqeny.org/publications](http://www.aqeny.org/publications) or [www.edlawcenter.org](http://www.edlawcenter.org)
- 7 100 poorest= based on the combined wealth ratio as published by the State Education Department HERE. The lower the combined wealth ratio (CWR), the poorest the school district. The CWR is a combination of property and income wealth in each school district. Among the 100 poorest are Buffalo, Syracuse, Rochester and other cities, suburbs and rural districts in the state. New York City is excluded. By contract, the 100 wealthiest school districts are those with the highest CWR.
- 8 <https://edlawcenter.org/news/archives/new-york/new-york%E2%80%99s-pandemic-adjustment-depriving-resources-to-students-impacted-by-covid-19.html>  
<https://www.aqeny.org/2020/09/02/set-up-to-fail-how-cuomos-school-cuts-target-new-yorks-black-brown-students/>
- 9 <https://www.erstrategies.org/cms/files/4709-cost-of-covid-updated-2.pdf>
- 10 <https://www.aqeny.org/2020/07/10/roadmap-to-a-just-reopening-just-schools/>
- 11 Youth Visioning session that informed the Roadmap to a Safe Reopening and to Just Schools, on June 22nd, 2020.
- 12 NYC Educator during the visioning sessions that informed the Roadmap to a Safe Reopening and to Just Schools, on June 23rd, 2020
- 13 Recommendations made by the Opportunity Institute in a memo on the use of federal funding relief
- 14 <https://www.chalkbeat.org/2021/2/8/22273359/biden-education-schools-funding-stimulus-learning-loss>