

Moving New York Toward Educational Equity

What a fully funded Foundation Aid formula
really means for public school students



**PUBLISHED
SEPTEMBER 2023**

*Report authored by Chelsea Clayton
and Isabel Miller for the Alliance
for Quality Education, with the
Racial Equity in Education Law and
Policy Clinic (REEL Policy Clinic) at
Georgetown University Law Center,
under the supervision of Teaching
Fellow and Supervising Attorney
Nikola Nable-Juris.*

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.

Executive Summary

This year, every school district in New York State will finally receive 100% of the Foundation Aid funding which they are owed. Although this is a celebratory moment, this is the bare minimum that the children of New York are due. For too long, the children of New York have endured the effects of entrenched segregation, racism, and resource inequity. Our children deserve more than the bare minimum, and it will require more to eradicate the profound disparities rooted in our state educational system.

For the first time in New York State history, high-need majority Black and Latinx school districts will finally receive the funding they were due to provide students with a “sound basic education.” Students, families, and community organizers have spent the last 30 years demanding that the state stop underfunding high-need majority Black and Latinx school districts and, instead, work to ensure all districts have the resources necessary to provide students with a high-quality education. In 2018, AQE released a report, [Educational Racism](#), showing that the state at the time owed \$2.6 billion to 25 high-need majority Black and Latinx school districts despite the state’s promise to implement Foundation Aid funding. In this report, we return to the 25 high-need, majority Black and Latinx school districts to show both how the increased funding has the potential to improve educational opportunities and outcomes, and why employing the current Foundation Aid formula is still insufficient to meet the full educational needs of all students.

Highlights from the report include:

- Foundation Aid – New York’s equitable funding formula designed to provide adequate funding to high-need school districts – emerged in 2007 after more than a decade of legal battles. Despite a state constitutional mandate to provide students with a “sound basic education,” after its enactment, the state did not fully fund Foundation Aid until the 2023-24 school year, when Governor Kathy Hochul announced a \$2.7 billion increase in school funding. The additional funding is vastly improving educational equity, especially as contrasted to the past decade of underfunding which led to widening inequality
- New York State remains the most segregated state for Black and Latinx students, deepening the levels of inequity within the state’s education system. The disproportionate impact of the Covid-19 pandemic on high-need, majority Black and Latinx communities made inequities facing these communities even worse than before.
- The intentional and chronic underfunding of the 25 high-need, majority Black and Latinx school districts was evidence of systemic, racial discrimination that dramatically affected the future opportunities of these students. Fully funding Foundation Aid has allowed these districts to respond to support and better serve students. Districts have already begun to reduce class sizes, invest in social-emotional learning, increase English language learner programs, and hire additional staff.

- To ensure that all students have access to the resources they need to succeed, state leaders must continue to fully fund Foundation Aid and update the formula to account for school districts' changing demographics and needs.
- Governor Hochul and the New York State Legislature must allocate funds to the New York State Department of Education to establish a commission to update the Foundation Aid formula.
- The state has not significantly updated the formula in fifteen years, resulting in a formula that relies on outdated information and limited weights which fail to reflect students' evolving needs. Although the increase in funding will impact student outcomes, the current Foundation Aid formula cannot account for the complete needs of high-need, majority Black and Latinx school districts.
- Updating the Foundation Aid formula must be equitable and inclusive, requiring input from those most impacted by inequitable school funding. Specifically, parents, students, educators, administrators and community members must have the opportunity to share their experience and perspective on school funding, what are the impacts of underfunding and what is needed in schools.
- State leaders must update and adopt a more equitable version of the funding formula that responds to the needs of students in the 21st century, taking into consideration the challenges the pandemic brought as well as those stemming from systematic underfunding of public schools.

Moving New York Toward Educational Equity

What a fully funded Foundation Aid formula
really means for public school students

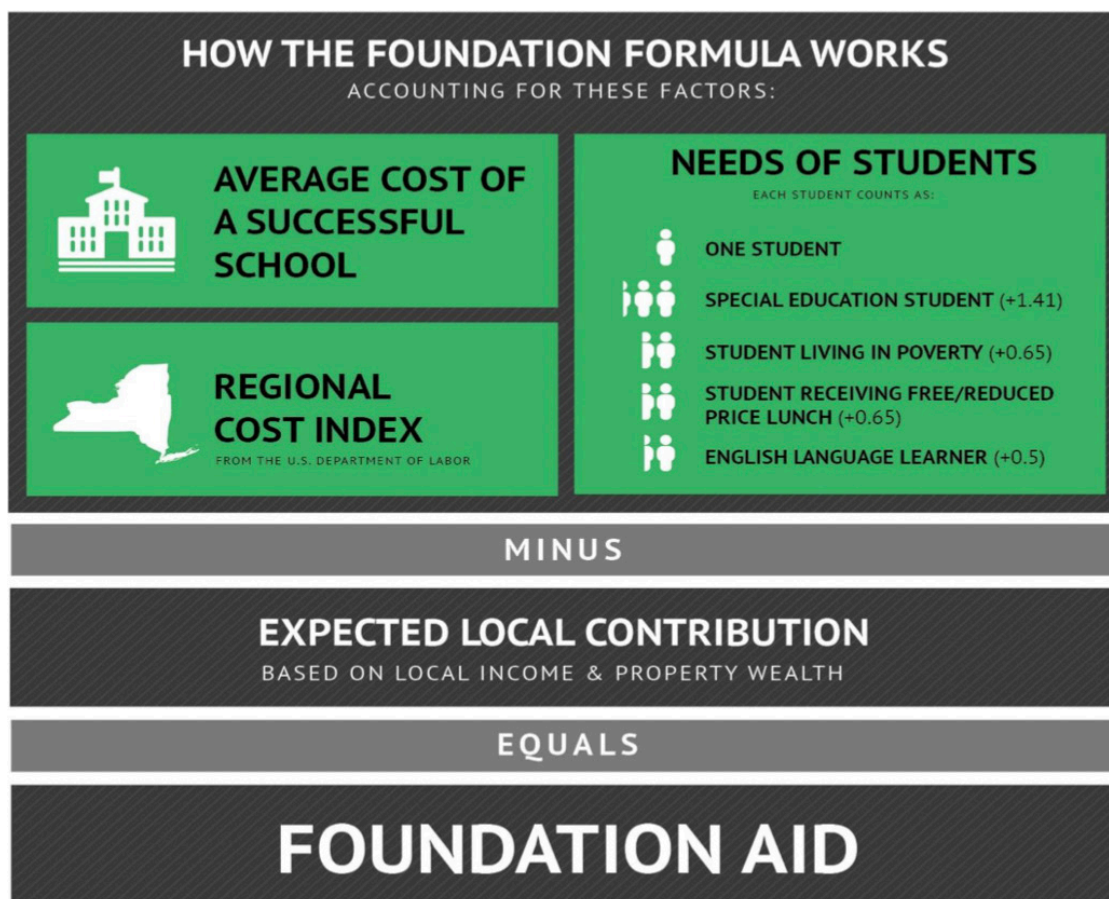
Introduction

Foundation Aid emerged from an advocacy campaign and lawsuit organized by New York parents who were frustrated by the continual underfunding of their children's schools.¹ Determined to "[f]ind a way to get it done,"² these parents formed the Campaign for Fiscal Equity in 1993 and sued New York State.³ In 2006, the Court of Appeals, the highest court in the state, found that the state needed to increase school funding to meet New York State's constitutional guarantee to "a sound basic education" for all children.⁴ The court ordered the state to create a new funding structure to equalize school funding.⁵ As a result, in 2007, Governor Eliot Spitzer called for a \$1.4 billion increase in school funding and changes to the school funding formula as part of a pledge to provide \$5.5 billion in aid over four years.⁶ The legislature enacted into law the Foundation Aid formula, designed to provide more funding to high-need school districts.⁷ This required New York State to use the formula to determine how much state funding – Foundation Aid – each school district would receive.

Despite this win, advocates and parents fought for equitable school funding for over a decade after the establishment of Foundation Aid.⁸ For years after the Foundation Aid formula was formally implemented, New York State refused to fund schools at the level they were owed.⁹ This enduring practice of underfunding public schools impacted low-income, high-need school districts, especially majority Black and Latinx districts. In 2018, AQE released a report showing that 25 high-need, majority-minority districts were owed 62% of the unpaid Foundation Aid and that the spending gaps between these school districts and wealthy districts grew to over \$10,000 per pupil between 2007 and 2018.¹⁰ The intentional and chronic underfunding of these 25 school districts was evidence of systemic, racial discrimination that dramatically affected the future opportunities of these students.¹¹

After a decades-long advocacy campaign and additional lawsuits, New York State is finally using the formula and providing the legally required funding for Foundation Aid.¹² In 2021, the state committed to fully funding Foundation Aid within the next three years.¹³ This year, in the 2023-24 Executive Budget, Governor Kathy Hochul announced a \$2.7 billion increase in Foundation Aid, marking the completion of the three-year phase-in and the beginning of the permanent commitment to maintain 100% of Foundation Aid to determine school funding.¹⁴

While this is a moment of celebration, it will take more than simply adhering to the existing Foundation Aid formula to fix the deep disparities in educational outcomes caused by decades of educational racism and resource inequality in majority Black and Latinx school districts. To drastically improve the educational outcomes for these students, we need to take bold steps to update the main school funding formula. In the sixteen years since the state codified the Foundation Aid formula, the state has not significantly reviewed or updated the formula; parts of the formula rely on data that is more than 20 years out of date.¹⁵ Using an outdated formula fails to account for the real and changing needs of students and ignores the impact of the Covid-19 pandemic – especially for those in high-need districts with a majority of Black and Latinx students.¹⁶



This report will show the impact of resource inequality in majority Black and Latinx school districts and the importance of fully funding these school districts. This report returns to the 25 high-need, majority Black and Latinx school districts that were owed the majority of unpaid Foundation Aid funding in 2018 to show that the needs of these students cannot be fully met unless the state updates the Foundation Aid formula. The state must update Foundation Aid to better account for the current needs of students, especially those in high-need, majority Black and Latinx districts who need state funding the most.

History of Segregation and Resource Inequality

New York State has a long history of racial segregation in its public schools. In the 1960s, following the U.S. Supreme Court decision in *Brown v. Board of Education*, state policy makers acknowledged that "racially imbalanced schools" – schools that had 50% or more Black students – deprived students of the right to equal educational opportunities guaranteed to them under state law.¹⁷ Efforts by the Board of Regents and the New York State Department of Education to integrate public schools led to a backlash from white parents and local school boards, resulting in protests and legal challenges. Succumbing to these pressures, the New York State Legislature reduced support and funding for the Department of Education, and replaced supporters of desegregation on the Board of Regents. During this period, white families flocked to the suburbs, deepening the entrenchment of racial segregation in the state. By the 1980s, state-initiated efforts to desegregate public schools dramatically decreased, setting the foundation for the racial and socioeconomic inequities that exist today.¹⁸

Since *Brown v. Board of Education*, New York public schools have become more segregated, especially for Black and Latinx students who are also more likely to attend schools with high poverty levels.

Black and Latinx students across New York State are still impacted by this harrowed history. Since *Brown v. Board of Education*, New York public schools have become more segregated, especially for Black and Latinx students who are also more likely to attend schools with high poverty levels.¹⁹ A June 2021 report published by UCLA showed that New York State has the most segregated school system for Black and Latinx students.²⁰ These students are being isolated in schools that lack the proper funding and resources, creating an inequitable educational reality.

WHAT IS A "SOUND BASIC EDUCATION"? CHANGING THE STANDARD

In 2003, the New York Court of Appeals ordered the state to provide the necessary funding to all public schools to ensure that all students receive a “sound basic education.”⁴³ Outraged after years of sending their children to schools with deteriorating facilities, overcrowded classrooms, and inexperienced teachers, parents and families argued that the state could not provide children with a “sound basic education” under these appalling conditions.⁴⁴ Despite the court agreeing with these families and ordering the state to act, 30 years later, children across the state – primarily in high-need Black and Latinx communities – continue to attend schools under similar conditions. At rallies, town halls, and legislative hearings, one will hear demands from students, families, and community leaders calling for the state to finally meet its constitutional duty to provide a “sound basic education.”

New York State Senator Robert Jackson, a dedicated public servant for over 50 years and the lead plaintiff in the Campaign for Fiscal Equity lawsuit, recalled his experiences at rallies with concerned families, frustrated by the state’s disregard for their children’s educational outcomes. When speaking with families, Senator Jackson denounces the acceptance of this mediocre standard, recognizing that “a sound basic education is the minimum” and communities must “want more.”⁴⁵ After enduring years of neglect at the hands of the state, state leaders have attempted to convince families and students that the standard for what the children of New York State deserve – what the state owes them – is a subpar entitlement to “the basic literacy, calculating, and verbal skills” that will enable them to vote and serve on a jury.⁴⁶

The children of New York deserve more than a “basic” education; many students, mainly from affluent and white districts, are getting far more. These students attend schools with the resources to prepare them to be more than just jurors and voters. The standard must change. The state must allocate the necessary funding to produce citizens of a globalized and technological world while also nurturing the “whole child” – developing students’ ability to build relationships, create positive self-identities, and foster healthy emotional skills.

Impact on 25 High-Need School Districts

This pattern of systemic racial discrimination and resource inequality continues to impact New York school districts, particularly high-need districts with a majority of Black and Latinx students. The State Education Department defines “high-need school district” as a district with a high poverty rate and a high concentration of students who require additional funding – such as students with disabilities, English language learners and low-income students.

²¹High-need school districts have a heightened requirement for resources, compared with wealthier school districts, as they must be responsive to the varying needs of their students compounded by high poverty levels and systemic bias.²² These needs include, but are not limited to, hunger, untreated chronic health problems, homelessness, lack of language accessibility resources, parental job loss, and limited access to technology.²³

All of the 25 school districts identified in this report serve at least 60% of students living in poverty and most have high numbers of students who are English language learners, housing insecure, in foster care, or migrants.²⁴ Poverty, racism and the related challenges also impact students' mental health needs. National studies indicate that Latinx students are particularly likely to have persistent feelings of sadness or hopelessness and Black students are disproportionately likely to attempt suicide.²⁵ All these challenges were exacerbated by the COVID-19 pandemic. Every region of New York saw a decline in public school enrollment over the past five years, but high-need school districts like Rochester and New York City saw the largest declines.²⁶ Many families relocated to other districts during the pandemic. A declining student population decreases the funds available to the district because school funding is tied to levels of enrollment.²⁷ Layering adequate weighting for all students, on top of enrollment will ensure that schools have sufficient funding to address students' needs, academic and otherwise.

DISTRICT	% BLACK AND LATINX STUDENTS	% ECONOMICALLY DISADVANTAGED	% ENGLISH LANGUAGE LEARNERS
Westbury	96	82	31
Rochester	87	90	15
Wyandanch	98	93	30
Brentwood	94	92	33
East Ramapo	93	89	41
Peekskill	89	80	24
Buffalo	66	82	17
Amityville	90	83	21
Central Islip	94	63	32
Schenectady	52	76	5
Yonkers	77	80	13
Syracuse	63	81	18
Hempstead	96	69	42
Middletown	81	77	11
Newburgh	77	65	15
New York City	66	76	14
Poughkeepsie	85	80	12
Copique	85	83	17
Mount Vernon	93	73	8
Dunkirk	59	74	17
Freeport	92	69	22
Port Chester	85	77	33
Fallsburg	64	71	19
Albany	65	65	11
Roosevelt	100	73	28

What Schools are Doing with Full Funding

Now that Governor Hochul has fully funded Foundation Aid, the 25 high-need school districts can use these funds to dramatically improve opportunities for their students. According to plans submitted to SED, many districts are intending to use these new resources to reduce class sizes, which will allow for more individualized attention to the challenges that each student faces.²⁸ For instance, New York City reported planning to reduce early-childhood class sizes by hiring an additional 140 teachers across 72 high-need elementary schools.²⁹ Rochester schools will invest in anti-racism/restorative practices, social-emotional learning, and a culturally responsive curriculum to ensure that their schools provide, “high-quality teaching and learning for all.”³⁰ Buffalo Public Schools plan to use the increased funding to recruit and retain a diverse and effective body of school staff.³¹ As thousands of immigrant children enter New York schools, increased funds will allow schools to implement additional bilingual and English language learner programs to provide legally mandated support services to these students.³² Schools will also be able to invest in educational technology to support student learning in an increasingly digital world.³³

Schenectady City school district was asked to educate children with its hands behind its back. We were pinching pennies ... now that we are finally getting what we are owed, we will be able to do more. I don't think that's a coincidence.

JAMAICA MILES

Within the first two years of the Foundation Aid phase in, schools began to utilize the increased funding to better support and serve students. Buffalo Public Schools hired multiple new staff including 14 elementary school teachers, 10 reading teachers, 5 psychologists/social workers, and 14 special education professionals.³⁴ Rochester City School District and Kingston City School District upgraded school meal options to include more fruits and vegetables.³⁵ New York City expanded the number of schools with English Language Learner programs.³⁶ Poughkeepsie City School District, Hempstead Union Free School District, and Albany City School District utilized increased funds to provide additional services to students with disabilities and students experiencing homelessness; expand social-emotional support services; and implement academic support services.³⁷ These new initiatives are basic programs that will enable schools to finally meet the minimum standards of a sound basic education, a standard that they should have already met years ago.

As New York State finally implements full funding of the Foundation Aid formula, it is too soon to see the full impact of equitably funding schools. It will likely take a few years to see the scope of change that full funding will bring. However, even in the brief time that school districts have had access to increased funding, they have begun to see positive changes. As parent and school board member Jamaica Miles, a plaintiff in the New Yorkers for Students' Educational Rights case, said about her local schools, “Schenectady City school district was

asked to educate children with its hands behind its back. We were pinching pennies ... now that we are finally getting what we are owed, we will be able to do more. I don't think that's a coincidence."³⁸

SPOTLIGHT ON ROCHESTER

The story of education in Rochester is emblematic of the struggle in majority Black and Latinx school districts across the state. Years of systemic racism in the form of redlining, restricted job opportunities, police brutality, and years of poor living conditions, and white flight in the mid-twentieth century left Rochester schools as one of the most racially and economically segregated districts in the country.⁴⁷

*Our 2018 report, *Educational Racism*, identified Rochester as one of 25 high-need and majority Black and Latinx school districts that were chronically underfunded due to manifestations of systemic racism in the state's school funding structure.⁴⁸ In 2020, 87% of the students enrolled in Rochester City School District (RCSD) identified as Black or Latinx and 90% of the student population met the criteria for being economically disadvantaged.⁴⁹ Between 2007 and 2018, New York State withheld over \$110 million from Rochester schools.⁵⁰ The state's withholding of funds was particularly damaging to Rochester schools as the district gets most of its funding (76%) from the state and RCSD, like the other "Big Five" school districts, is financially dependent on the city as they cannot levy their own taxes or independently set spending priorities.⁵¹*

RCSD faced significant financial challenges, including substantial budget shortfalls. In 2020, New York State law required the appointment of a fiscal monitor over RCSD to oversee the district's fiscal and academic decisions.⁵² The financial constraints impacted students' academic progress. A recent study found that more than 50% of Rochester public school students are two or more years behind in math and/or reading and 90% of kindergarteners are not reading at grade level.⁵³ By third grade, 96% of students were still not proficient in reading.⁵⁴

Despite these challenges, school and community leaders in Rochester have used the recent increase in funding from Foundation Aid and federal grants to implement a variety of new programs to improve educational experiences for Rochester students.⁵⁵ RCSD invested in social-emotional learning supports, increased the number of school counselors, implemented evidence-based curriculums, and increased access to career and technical education and college tours to extend students' graduation options. The district is also working to extend the number of community schools and create telehealth centers so that more students can access medical care. While school leaders are excited by these recent improvements, there are concerns that RCSD will not be able to maintain these programs as federal grants are set to expire within the next year and decreasing public school enrollment is projected to decrease the overall school budget over the upcoming school years.

THE COVID-19 PANDEMIC AND PUBLIC EDUCATION

The Covid-19 pandemic deepened the inequities facing Black and Latinx students in high-need communities as these communities were impacted the most by the pandemic.⁵⁶ In New York City, Black and Latinx residents died from Covid-19 at double the rate of white residents.⁵⁷ Studies showed that low-income Black and Latinx students disproportionately experienced learning losses due to multiple factors, such as limited access to technology and lack of appropriate physical space during remote learning.⁵⁸ On average, students in majority Black and Latinx schools ended the 2020-2021 school year six months behind in math while students in majority white schools finished the school year only four months behind the normal yearly benchmarks.⁵⁹ In reading, students in majority Black schools finished six months behind, students in majority Latinx schools five months behind, and students in majority white schools three months behind.⁶⁰

Additionally, the pandemic caused mental and emotional distress for high-need Black and Latinx communities, with students being the most impacted by the effects of the pandemic.⁶¹ School closures and remote learning disrupted the stability and routines that schools provide, leaving students feeling socially disconnected. Students also lost access to mental health services offered through their schools, and due to budget cuts, many schools laid off essential staff, decreasing the level of support for students.⁶²

The chronic underfunding of schools serving Black and Brown students prior to COVID-19 left many without the resiliency to respond to the needs of their students during the pandemic as adeptly as historically well-funded schools. Although New York State received supplemental federal funding due to the pandemic, these funds are set to expire soon, leaving schools without extra funding but with ongoing challenges.⁶³ Adequate funding through Foundation Aid will allow schools to address additional student needs due to the COVID-19 pandemic. The learning loss from the pandemic disproportionately affected Black and Latinx students, requiring more resources in majority Black and Latinx school districts to help students get back on track.⁶⁴ Advocates are calling for increased funding to support summer programs, afterschool and other extended learning opportunities, and enrichment programs.⁶⁵ Education advocates have also recognized the need for increased funding for mental health supports in schools.⁶⁶

Why Foundation Aid Should be Updated

While the increased resources from the full funding of the Foundation Aid formula will have a dramatic impact on student educational outcomes, New York State must continue to work to create a truly equitable education system. The current Foundation Aid formula cannot meet the full needs of high-need, majority Black and Latinx school districts. The formula is out of date and fails to account for the evolving needs of students.

The current Foundation Aid formula has not been significantly updated in decades and still relies on data from the 2000 census to calculate community poverty levels.³⁹ Comparisons between data from 2000 and 2016 show that 80% of school districts had an increased number of students living in poverty, with the average increase of 4.5%.⁴⁰ A study by Syracuse University found that Foundation Aid funding would need to increase by 37% to provide a sound basic education to economically disadvantaged students.⁴¹ Additionally, the current Foundation Aid formula fails to consider additional needs of students who are housing insecure, migrants, in foster care, from single-parent families, or living in communities with concentrated poverty.⁴² Updating the Foundation Aid formula would allow the state to better account for the current needs of students and ensure that funds are allocated where they are most needed.

SPOTLIGHT ON COMMUNITY VOICES

When asked what education means to her, Ina Ferguson, a mother, grandmother, and longtime advocate for Buffalo students, is emphatic in her response. “Nothing is more important to me than education. Period.”⁶⁷ Education is so important to Ina because she knows that it is essential to securing children’s futures - especially for Black students like her grandchildren and neighbors. As she tells her grandson, “Education is your armor; You can’t arm yourself without education.” But while Ina continues to advocate for improved educational opportunities for her community, the process is frustrating, particularly when even the “wins” yield few benefits. While Ina was excited by the potential for improvements as a result of the increased funding from Foundation Aid and federal grants, “when boots are on the ground, we don’t see it.” Without actual implementation and improvements, the increased funding from Foundation Aid means little to the students, parents, and community members who are actually in these schools.

Ina also recognized that solutions that only focus on funding school systems won’t be enough to address the full scope of needs of Buffalo students because, “what happens on the outside comes into school.” When children are hungry, tired, unable to access medical care, or have other additional stressors in their life, they are not able to maximize their educational opportunities. Ruth Turner, the Deputy District Superintendent for RCSD recognizes that because, “school is for the community, by the community,” public schools play an essential role in addressing endemic issues facing the larger Rochester community.⁶⁸ Both Ina and Deputy Turner emphasized the importance of Community Schools, select schools that provide meals, classes, and resources for anyone in the city.⁶⁹ These schools address the needs of their communities because they fill the gap between the needs of city residents as a whole and the work of public schools.⁷⁰ Both called for districts to increase the number and accessibility of Community Schools in their respective cities. However, limited funds and the artificial separation of funding into “school projects” or “public welfare” creates continuing challenges for community leaders.⁷¹ To fully address the needs of students in high-need school districts like Buffalo and Rochester, state officials must create a school funding structure that considers the needs of students inside and outside of school.

CFE Victory Tour: Community Conversations and Survey

To gain further insight into the state of public education now that the Foundation Aid formula is fully funded for the first time, AQE will be launching a two-part information-gathering tour in September 2023, consisting of an online survey as well as a series of conversations in key cities and communities across New York State. With the survey and conversations, we will collect responses and input from parents, educators, students and community leaders to dive deep into what's happening in local school districts, and seek to answer the questions: has the new funding led to changes in your school? How could it still improve?

AQE will issue a report summarizing the highlights and key findings from the survey and each of the tour locations. This feedback from parents and community members will inform our advocacy, and we hope, be informative to state and local decision makers as we look ahead to the 2023-24 state legislative session.

Endnotes

- 1 <https://www.escri-net.org/caselaw/2006/campaign-fiscal-equity-et-al-v-state-new-york-et-al-719-nys2d-475>
- 2 Quote from Senator Jackson during meeting with REEL Policy; pending his approval.
- 3 <https://cbcny.org/research/better-foundation-aid-formula>
- 4 Campaign for Fiscal Equity v. State of New York, 86 N.Y. 2d 307 (N.Y. 2006).
- 5 Id.
- 6 https://www.budget.ny.gov/pubs/press/2008/press_release08_eBudget06.html; <https://www.aqeny.org/equity/>
- 7 <https://www.oms.nysed.gov/faru/PDFDocuments/Primer07-08A.pdf>
- 8 <https://edlawcenter.org/news/archives/new-york/after-years-of-sustained-advocacy,-ny-takes-big-step-towards-full-school-funding.html>
- 9 <https://www.nyclu.org/en/news/ny-cheating-its-schools-out-billions-dollars>
- 10 http://www.aqeny.org/wp-content/uploads/2018/09/educationalracism_corrected.pdf
- 11 http://www.aqeny.org/wp-content/uploads/2018/09/educationalracism_corrected.pdf
- 12 Maisto v. State, 196 A.D.3d 104 N.Y.S.3d 599 (2021); <https://edlawcenter.org/news/archives/new-york/after-years-of-sustained-advocacy,-ny-takes-big-step-towards-full-school-funding.html>
- 13 <https://www.budget.ny.gov/pubs/archive/fy23/ex/local/school/2223schoolaid.pdf>
- 14 <https://www.budget.ny.gov/pubs/archive/fy23/ex/local/school/2223schoolaid.pdf> ; <https://www.governor.ny.gov/news/governor-hochul-announces-agenda-provide-high-quality-education-and-recover-pandemic-learning>
- 15 <https://www.budget.ny.gov/pubs/archive/fy23/ex/local/school/2223schoolaid.pdf>
- 16 <https://cbcny.org/research/better-foundation-aid-formula>; <https://www.timesunion.com/opinion/article/commentary-new-york-needs-new-foundation-aid-17776962.php>
- 17 https://timesmachine.nytimes.com/timesmachine/1963/06/19/89537250.pdf?pdf_redirect=true&ip=0
- 18 <http://www.nysed.gov/common/nysed/files/kucsera-new-york-extreme-segregation-2014.pdf>

- 19 https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/nyc-school-segregation-report-card-still-last-action-needed-now/ES-from-NYC_6-09-final-for-post.pdf
- 20 Id.
- 21 The State Education Department calculates a high poverty rate by looking at the average eligibility for free-and-reduced-price-lunch in the district over the past three years and estimates of children living in poverty from the 2000 Census.
<http://www.nysed.gov/common/nysed/files/programs/postsecondary-services/tlqpleadershiprpf2015.pdf>; <https://www.p12.nysed.gov/irs/accountability/2011-12/NeedResourceCapacityIndex.pdf>; <https://www.asbonewyork.org/news/461489/What-is-an-underfunded-high-need-school.htm>
- 22 https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/nyc-school-segregation-report-card-still-last-action-needed-now/NYC_6-09-final-for-post.pdf
- 23 Id.
- 24 Citation - School District Data Chart
- 25 https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS_Data-Summary-Trends_Report2023_508.pdf
- 26 <https://newyork.edtrust.org/wp-content/uploads/2023/02/ETNY-Enrollment-Report-2023.pdf>
- 27 <https://www.urban.org/urban-wire/declining-school-enrollment-spells-trouble-education-funding>
- 28 <https://ny.chalkbeat.org/2022/6/3/23153132/nyc-schools-eric-adams-mayoral-control-albany-lower-class-sizes>
- 29 <https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/preliminary-update-on-arp-esser-and-on-foundation-aid-funding.pdf>; <http://www.aqeny.org/wp-content/uploads/2021/10/NYC-accountability-one-pager.pdf>
- 30 <https://www.rcsdk12.org/cms/lib/NY01001156/Centricity/Domain/14475/Preliminary%20ARP%20Plan%20with%20Public%20Input.pdf>
- 31 https://www.buffaloschools.org/cms/lib/NY01913551/Centricity/ModuleInstance/94890/BPS_SP_Final.pdf
- 32 <https://ny.chalkbeat.org/2022/8/19/23313646/ny-asylum-seeker-immigrants-english-new-language-enrollment-budget-cuts>
- 33 https://media.carnegie.org/filer_public/06/2c/062cfb99-41a5-4ce6-8faa-ff576d0a98ed/katz_and_rideout_-_learning_at_home_while_under-connected_gfrh1ao.pdf

- 34 <https://www.buffaloschools.org/site/handlers/filedownload.ashx?moduleinstanceid=97&dataid=230856&FileName=Buffalo%20Public%20Schools%202021-22%20Foundation%20Aid%20Plan.pdf>
- 35 <https://www.rcsdk12.org/cms/lib/NY01001156/Centricity/Domain/92/Proposed%20Budget%202022-23%206.9.22%20v4.pdf>; <https://www.kingstoncityschools.org/cms/lib/NY24000343/Centricity/Domain/8/funding%20commitments%20Town%20Hall.pdf>
- 36 <https://www.cbsnews.com/newyork/news/new-york-city-schools-project-open-arms-enroll-1000-migrant-children-who-arrived-on-buses-from-texas/>; <https://ny.chalkbeat.org/2022/5/11/23067687/nyc-newcomer-immigrants-transfer-schools-expansion>
- 37 <http://www.nysed.gov/common/nysed/files/programs/federal-education-covid-response-funding/800000053351-poughkeepsie-city-sd.pdf>; <http://www.nysed.gov/common/nysed/files/programs/federal-education-covid-response-funding/800000049875-hempstead-ufsd.pdf> <https://www.albanyschools.org/hr/news/1738273/board-approves-budget-proposal>
- 38 <https://www.timesunion.com/news/article/Nearly-70-years-after-Brown-decision-New-York-16828901.php>
- 39 <https://cbcny.org/research/better-foundation-aid-formula>; <https://www.budget.ny.gov/pubs/archive/fy23/ex/local/school/2223schoolaid.pdf>; <https://www.usccr.gov/files/pubs/2020/02-10-Education-Equity-in-New%20York.pdf>
- 40 <https://www.usccr.gov/files/pubs/2020/02-10-Education-Equity-in-New%20York.pdf>
- 41 <https://surface.syr.edu/cgi/viewcontent.cgi?article=1360&context=cpr>
- 42 <https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>; https://www.migrationpolicy.org/sites/default/files/publications/TransatlanticFunding_FINAL.pdf; <https://www.k12dive.com/news/nyc-homeless-students-funding-formula/642150/>; <https://www.usccr.gov/files/pubs/2020/02-10-Education-Equity-in-New%20York.pdf>; <https://www.usccr.gov/files/pubs/2020/02-10-Education-Equity-in-New%20York.pdf>

Highlight Boxes

- 43 Campaign for Fiscal Equity v. State of New York, 86 N.Y. 2d 307 (N.Y. 2006).
- 44 Id.
- 45 Interview between Georgetown University Law Center Racial Equity in Education Law and Policy Clinic students Chelsea Clayton and Isabel Miller on behalf of the Alliance for Quality Education and Senator Robert Jackson, Senator for the New York State Senate’s 31st District on March 2, 2023 via Zoom discussing his involvement in Campaign for Educational Equity v. State of New York.

- 46 Id.
- 47 <https://www.democratandchronicle.com/story/local/communities/time-to-educate/stories/2018/06/06/worst-public-schools-america-rochester-ny-rcsd-kodak-park-school-41/550929002/>; Justin Murphy, (2022), *Your Children are in Very Grave Danger: School Segregation in Rochester, New York*, Cornell University Press, 105-07, 89, 70.
- 48 http://www.aqeny.org/wp-content/uploads/2018/09/educationalracism_final.pdf
- 49 See Data Chart.
- 50 http://www.aqeny.org/wp-content/uploads/2018/09/educationalracism_final.pdf
- 51 <https://www.osc.state.ny.us/files/local-government/publications/pdf/financingeducation.pdf>
- 52 <http://www.nysed.gov/accountability/state-monitors>
- 53 <https://www.whec.com/top-news/rcsds-low-test-scores-means-state-monitor-intervenes/>
- 54 The Early Learning Council, (2014), *The State of Early Learning*, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwizxLfp7Mf-AhVPE1kFHT1qDGoQFnoECBYQAQ&url=https%3A%2F%2Fwww.cityofrochester.gov%2FWorkArea%2FDownloadAsset.aspx%3Fid%3D8589962739&usg=AOvVaw2cc_Qt-FEt2ZB335X0y3eF.
- 55 The following discussion of the current state of education in Rochester comes from an interview between Georgetown University Law Center Racial Equity in Education Law and Policy Clinic students Chelsea Clayton and Isabel Miller on behalf of the Alliance for Quality Education and Ruth Turner, the Deputy District Superintendent for RCSD on April 17, 2023 via Zoom.
- 56 <https://www.mckinsey.com/industries/education/our-insights/covid-19-and-education-the-lingering-effects-of-unfinished-learning#>
- 57 <https://www.thecity.nyc/coronavirus/2020/4/8/21216826/nyc-blacks-and-hispanics-dying-of-covid-19-at-twice-the-rate-of-whites-asians>
- 58 <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/covid-19-and-student-learning-in-the-united-states-the-hurt-could-last-a-lifetime>; https://opportunityinsights.org/wpcontent/uploads/2020/05/tracker_paper.pdf.
- 59 <https://www.mckinsey.com/industries/education/our-insights/covid-19-and-education-the-lingering-effects-of-unfinished-learning#>
- 60 <https://www.mckinsey.com/industries/education/our-insights/covid-19-and-education-the-lingering-effects-of-unfinished-learning>

- 61 <https://www.americanprogress.org/article/mental-health-support-students-color-coronavirus-pandemic/>
- 62 http://www.aqeny.org/wp-content/uploads/2021/06/survey_report.pdf
- 63 Id.
- 64 <https://www.nytimes.com/2022/07/19/us/pandemic-learning-loss-recovery-time.html>
- 65 <https://spectrumlocalnews.com/nys/capital-region/news/2022/03/26/advocates-push-for-increased-funding-for-after-school-programs>
- 66 <https://www.governor.ny.gov/news/governor-hochul-announces-50-million-available-increase-student-access-mental-health-services>
- 67 The following quotations come from an interview between Georgetown University Law Center Racial Equity in Education Law and Policy Clinic students Chelsea Clayton and Isabel Miller on behalf of the Alliance for Quality Education and Ina Ferguson discussing her role as an educational advocate and her experience with Buffalo Public Schools on April 17, 2023 via Zoom.
- 68 This and following quotations and attributions comes from an interview between REEL Policy Clinic students Chelsea Clayton and Isabel Miller on behalf of the Alliance for Quality Education and Ruth Turner, the Deputy District Superintendent for Rochester City School District (RCSD) discussing her work as a school leader and the current state of education in Rochester on April 17, 2023 via Zoom.
- 69 <https://www.nyscommunityschools.org/about/faq/>
- 70 <https://www.schools.nyc.gov/learning/programs/community-schools>
- 71 Interview between Georgetown University Law Center Racial Equity in Education Law and Policy Clinic students Chelsea Clayton and Isabel Miller on behalf of the Alliance for Quality Education and Ruth Turner, the Deputy District Superintendent for Rochester City School District (RCSD) on April 17, 2023 via Zoom discussing her work as a school leader and the current state of education in Rochester.