



As you consider changes to the Foundation Aid formula, we urge you to approach recommendations through an equity lens. The formula must include the resources needed to provide a high-quality education to *all* students, including those who need the most support with particular attention to students with disabilities, ELLs, students in temporary housing, students in foster care, and low-income students^{5g14l}



Moreover, the model reflects a narrow understanding of what constitutes a high-quality education. standardized tests. The model ignores the broader context in which learning occurs, fails to consider



The State must also consider that the number of students who opt out of the New York State tests is far from inconsequential. The percentage opting out varies considerably from district to district and, on average, has increased in the years since the Foundation Aid formula was developed: in 2023, the average test refusal rate for districts in New York State was 14%, compared to less than 1% a decade prior.⁴ While historically, families participating in the standardized testing opt-out movement were predominantly white, affluent, and suburban, the families opting their children out of standardized testing since the pandemic have grown more racially and economically diverse.

The New York State Education Department (NYSED) recently announced its intent to decouple specific assessment requirements from graduation requirements, recognizing that there are multiple



tremendous obstacles to success in school. The Foundation Aid formula should recognize that districts need additional resources to provide a sound basic education to such students, much as they require extra resources to adequately meet the needs of studen



scale up promising initiatives or hire non-instructional staff to meet the needs of students who are homeless or in foster care.

The State should add a weight to the Pupil Need Index for students in temporary housing and students in foster care.

3. Reexamine the existing poverty weight to ensure the needs of students from low-income communities are accurately represented.

Beyond adding a weight for students in temporary housing and students in foster care, the State should reexamine the way it currently identifies students eligible for the poverty weight. Merely updating the number of students eligible for the Foundation Aid formula poverty weight under the two current factors—the number of students eligible for free or reduced-price lunch and Census data—would not be sufficient to accurately capture the number of students from low-income backgrounds. The State should explore alternative, more robust measures of poverty and economic disadvantage, including considering differentiated weights for different concentrations of poverty.

The State should not merely update the Census data and number of students eligible for free or reduced-price lunch, but should instead reexamine the methodology used to determine eligibility for the poverty weight.

4. Increase the weights for students with disabilities and ELLs to ensure they reflect the cost of providing legally required and high-quality classes, services, and supports and are adequate to address the wide spectrum of student needs.

Students with disabilities

More than 440,000 students in New York State¹⁰ and one in five students in New York City had an Individualized Education Program (IEP) in 2023–24.¹¹ While the Foundation Aid formula includes a weight for students with disabilities, it is not adequate to cover the rising costs associated with special education. The special education population looks different today than it did when the formula was first developed. For example, between 2012 and 2021 there was a 76% increase in the proportion of students with disabilities in New York State who had a classification of autism.¹² While NYCPS has developed some promising specialized programs for students on the autism spectrum, these programs only have the capacity to serve a small fraction of all the students who

¹⁰ NYSED Preliminary District Level BEDS Day Enrollment Data by Grade 2023–24, available at <https://www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html>.

¹¹ Excludes students attending charter schools. NYCPS Demographic Snapshot, available at <https://infohub.nyced.org/reports/students-and-schools/school-quality/information-and-data->



could benefit from them, and AFC often works with families of students with autism who have been unable to access effective instruction and support within the public system.



for a school psychologist in Dayton, Ohio (\$103,150),¹⁵ though rent for a one-bedroom apartment in New York City was approximately triple that of a one-bedroom apartment in Dayton.¹⁶

In addition, the Foundation Aid formula currently does not provide any additional funding for certain students with disabilities who have less intensive needs and then includes a uniform weight for *all other* students with IEPs, despite the fact that the students with disabilities eligible for the weight have a wide spectrum of needs. Meanwhile, the costs of providing different types of special education programs are not uniform across all students with disabilities. One child may need part-time SETSS and related services, for example, while a child with a more significant disability may require a small classroom and the support of a one-to-one paraprofessional full time. In addition to increasing the weight for all students with disabilities for the reasons described above, the State should consider differentiated weights by program to better account for this diversity.



the type of ELL program their child attends, in our experience working with families in New York City, this right often exists in name only due to the shortage of transitional bilingual education (TBE) and dual language (DL) bilingual education programs. According to NYCPS, the majority of



5. Include funding for 3- and 4-year-old students in pre-kindergarten.

Numerous studies have demonstrated the long-term benefits of high-quality preschool, and in a 2021 decision, *Maisto v. State*, a New York Appellate Court recognized the absence of pre-kindergarten students as contributing to the deprivation of their constitutional right to a sound basic education.²⁴ Over the past decade, New York State has dramatically expanded access to early learning opportunities. During the 2023-24 school year, 98,000 children were enrolled in 3-K or Pre-K for All in New York City alone, up from 55,700 children in 2013-14.



7. Update the Regional Cost Index (RCI) to better reflect the rising costs of salaries and services.

The Regional Cost Index included in the Foundation Aid formula is supposed to account for variations in operating costs among different regions in New York State. However, the values for RCI have not been updated since the formula was first implemented more than 15 years ago, while costs for salaries and services have increased to varying extents across the State. In New York City, living expenses have risen considerably since 2006, leading to the need for increased salaries to recruit and retain teachers, administrators, and other staff, as well as increased costs for goods, services, and contracts. The State has already acknowledged the need for a higher RCI for NYC in other state education formulas. For example, while the RCI for NYC and Long Island has been set at 1.425 in the Foundation Aid formula since 2006, the regional cost factor for NYC in the State Building Aid formula is 1.7256.²⁶



class size reduction law.

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Thank you for the opportunity to submit comments on the Foundation Aid formula. If you have any rlvine@advocatesforchildren.org.