



NADER J. SAYEGH
Assemblyman 90th District

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THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Subcommittee on
Students with Special Needs

COMMITTEES
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Education
Health
Higher Education
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Racing and Wagering

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Black, Puerto Rican, Hispanic and
Asian Legislative Caucus

28 August 2024

**Rockefeller Institute of Government
411 State Street
Albany, NY 12203
[SENT ELECTRONICALLY]**

Re: Written Comment on Foundation Aid Study

To Whom it May Concern,

My name is Nader Sayegh, and I am the State Assemblyman proudly representing the 90th District, encompassing much of the City of Yonkers, our State's third largest city behind only New York City and Buffalo. Before entering public life, I served for more than 35 years as an educator in the Yonkers Public Schools as a Teacher, Principal, and President of the Yonkers Board of Education. Education has been a key pillar in my life, and it has been my life's goal to ensure that every child receives an exceptional, fair education.

While in my District the City of Yonkers's population has increased since the implementation of Foundation Aid in 2007, our allocation of state funding has remained stagnant, and in fact lags other comparable cities. Because of a variety of factors, such as the Wealth Ratio of the County that the school district is in, cities such as Buffalo, Syracuse and Rochester receive more in Foundation Aid. **This is because of a glaring fault in Foundation Aid Formula when it was initially approximately 20 years ago: the language in §3602 of the Education Law only uses federal census data from 2000 and has not been updated since.**

This is not, however, an issue that is unique to just the City of Yonkers. **Many other school districts across our State are chronically underfunded because of this antiquated Foundation Aid Formula. Many parts of our State have seen population growth since 2000, however today that demographic change has not translated into real dollars and cents for our children.** We must do better, and with the now-passed State Budget setting aside funding to investigate this issue, we now have the opportunity to rectify this injustice.

While using the 2000 census back in 2007 may have been sound policy, the unfortunate oversight in not specifically stating that Foundation Aid must use the most recent federal decennial census has meant that school districts in cities like Yonkers that have seen an increase in population are actively being institutionally shortchanged by the State due to a reliance on outdated census data.

Not a single child from Pre-K to Grade 12 was counted in the 2000 census, yet this data determines how much their school district receives in terms of Foundation Aid.

This is a major problem that the Foundation Aid Study should look at closely. This is an issue that I have been aware of from both my time at the Yonkers Public Schools but also serving on the Education Committee in the Assembly. **I have introduced several pieces of legislation that would fix this issue, one of which is a bill I introduced along with State Senator Robert Jackson, A67/S5451, the Education Funding Census Update Act. This bill updates the census numbers used to calculate State Educational Funding from the 2000 census presently used to the “most recent federal decennial census.”** I have enclosed with my remarks a copy of this bill for your review.

Other educational bills that I introduced include one alongside State Senator Nathalia Fernandez, A96/S4437, which relates to the apportionment of funds for Capital Outlays and Debt Service for school building purposes. This will greatly aid in the renovation of old schools and the building of new ones. Another bill I introduced, A103, increases Foundation Aid for school districts that meet five variables and percentages impacting funding and academic success: Free or Reduced Lunch, English Language Learners, Enrollment Numbers, Special Education, and the Wealth Ratio of the county the school district is in.

I have enclosed copies of all these bills, as well as a list of other educational bills I have long championed for in the Legislature for your attention and review. I am encouraged that this review into the Foundation Aid Formula is being conducted, and hope that common-sense changes that will benefit all our students are made.

It is my wish that I may be a partner in this process and encourage the Study to not hesitate in reaching out to my office should there be any questions about potential legislative changes made. I have also met with the leadership of the Yonkers Public Schools who have also been very interested in the Study’s work and would like to meet with the members of this Study to discuss the work being done and the best ways forward. I have advocated for decades to keep education funding equitable, and it is on the basis my own legislation introduced in the Legislature that this Study is being done. Thank you for allowing these public written comments to be made and sent in.

Sincerely,



New York State Assemblyman Nader J. Sayegh

cc: Dr. Anibal Soler Jr., Superintendent, Yonkers Public Schools
Dr. Michelle Yazurlo, Associate Superintendent, Office of Inter-Governmental Relations, Yonkers Public Schools

Enclosures

STATE OF NEW YORK

67

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. SAYEGH, KELLES, DICKENS, SEAWRIGHT, GALLAGHER,
FORREST -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to updating the census
numbers used to calculate certain education funding

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "education
2 funding census update act".

3 § 2. Subparagraphs (ii), (iii) and (iv) of paragraph q of subdivision
4 1 of section 3602 of the education law, as amended by section 16 of part
5 YYY of chapter 59 of the laws of 2017, are amended to read as follows:

6 (ii) "Census count" shall mean the product of the public school
7 enrollment of the school district on the date enrollment was counted in
8 accordance with this subdivision for the base year multiplied by the
9 census [2000] poverty rate.

10 (iii) "Census [2000] poverty rate" shall mean the quotient of the
11 number of persons aged five to seventeen within the school district,
12 based on the most recent federal decennial census conducted [in the year
13 two thousand] as tabulated by the National Center on Education Statis-
14 tics, who were enrolled in public schools and whose families had incomes
15 below the poverty level, divided by the total number of persons aged
16 five to seventeen within the school district, based on such decennial
17 census, who were enrolled in public schools, computed to four decimals
18 without rounding.

19 (iv) "Selected poverty rate" shall mean: (A) for school districts with
20 high concentrations of nonpublic students, the greater of the census
21 [2000] poverty rate or the three-year average small area income and
22 poverty estimate poverty rate; and (B) for all other school districts,
23 the three-year average small area income and poverty estimate poverty
24 rate. For the purposes of this subparagraph, "three-year average small

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 area income and poverty estimate poverty rate" shall equal the quotient
2 of (1) the sum of the number of persons aged five to seventeen within
3 the school district, based on the small area income and poverty esti-
4 mates produced by the United States census bureau, whose families had
5 incomes below the poverty level for the year two years prior to the year
6 in which the base year began, plus such number for the year three years
7 prior to the year in which the base year began, plus such number for the
8 year four years prior to the year in which the base year began, divided
9 by (2) the sum of the total number of persons aged five to seventeen
10 within the school district, based on such census bureau estimates, for
11 the year two years prior to the year in which the base year began, plus
12 such total number for the year three years prior to the year in which
13 the base year began, plus such total number for the year four years
14 prior to the year in which the base year began, computed to four deci-
15 mals without rounding.

16 § 3. Item 1 of subclause 9 of clause (ii) of subparagraph 2 of para-
17 graph b of subdivision 4 of section 3602 of the education law, as
18 amended by section 10-c of part A of chapter 56 of the laws of 2021, is
19 amended to read as follows:

20 (1) for school districts with a census [2000] poverty rate computed
21 pursuant to paragraph q of subdivision one of this section equal to or
22 greater than twenty-six percent (0.26), ten and three-tenths percent
23 (0.103), or

24 § 4. Paragraph b-3 of subdivision 4 of section 3602 of the education
25 law, as amended by section 9-b of part CCC of chapter 59 of the laws of
26 2018, is amended to read as follows:

27 b-3. Due minimum for the two thousand seventeen--two thousand eighteen
28 school year. Notwithstanding any other provision of law to the contrary,
29 for the two thousand seventeen--two thousand eighteen school year the
30 total foundation aid shall not be less than (A) the sum of the total
31 foundation aid base computed pursuant to paragraph j of subdivision one
32 of this section plus the product of (i) the difference of the amount set
33 forth for such school district as "FOUNDATION AID" under the heading
34 "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by
35 the commissioner in support of the executive budget request for the two
36 thousand seventeen--two thousand eighteen school year and entitled
37 "BT171-8" less the amount set forth for such school district as "FOUNDA-
38 TION AID" under the heading "2016-17 BASE YEAR AIDS" in the school aid
39 computer listing produced by the commissioner in support of the execu-
40 tive budget request for the two thousand seventeen--two thousand eigh-
41 teen school year and entitled "BT171-8" multiplied by (ii) one and eigh-
42 teen one-hundredths (1.18), or (B) the product of forty-four and
43 seventy-five one-hundredths percent (0.4475) multiplied by total founda-
44 tion aid as computed pursuant to paragraph a of this subdivision, or (C)
45 the sum of the total foundation aid base computed pursuant to paragraph
46 j of subdivision one of this section plus the due minimum for the two
47 thousand seventeen--two thousand eighteen school year, where such due
48 minimum shall equal (1) for school districts with a census [2000] pover-
49 ty rate computed pursuant to paragraph q of subdivision one of this
50 section, equal to or greater than eleven and nine-tenths percent
51 (0.119), the product of the foundation aid base for the two thousand
52 seventeen--two thousand eighteen school year computed pursuant to
53 subparagraph (iii) of paragraph j of subdivision one of this section
54 multiplied by three hundred thirty-five ten-thousandths (0.0335), or (2)
55 for all other school districts the product of the foundation aid base
56 for the two thousand seventeen--two thousand eighteen school year

1 computed pursuant to subparagraph (iii) of paragraph j of subdivision
2 one of this section multiplied by two and seventy-four one-hundredths
3 percent (0.0274).

4 § 5. Subparagraph 2 of paragraph i of subdivision 4 of section 3602 of
5 the education law, as added by section 10-b of part A of chapter 56 of
6 the laws of 2021, is amended to read as follows:

7 (2) The "foundation aid phase-in factor" shall be equal to the greater
8 of: (i) twenty-six hundred twenty-five ten-thousandths (0.2625); (ii)
9 twenty-seven hundred twenty-eight ten-thousandths (0.2728) for districts
10 with a sparsity count computed pursuant to paragraph r of subdivision
11 one of this section greater than zero; (iii) twenty-seven hundredths
12 (0.27) for small city school districts pursuant to paragraph jj of
13 subdivision one of this section; (iv) forty-four hundredths (0.44) for a
14 city school district in a city with a population of more than one
15 hundred twenty-five thousand but less than one hundred fifty thousand as
16 of the [two thousand ten] most recent federal decennial census; (v) four
17 hundred ninety-five thousandths (0.495) for a city school district in a
18 city with a population of more than one hundred fifty thousand but less
19 than two hundred fifty thousand as of the [two thousand ten] most recent
20 federal decennial census; (vi) forty-four hundredths (0.44) for a city
21 school district in a city with a population of more than two hundred
22 fifty thousand but less than one million as of the [two thousand ten]
23 most recent federal decennial census; or (vii) four hundred ninety-five
24 thousandths (0.495) for a city school district in a city having a popu-
25 lation of one million or more.

26 § 6. Clause 1 of subparagraph (G) of paragraph b of subdivision 17 of
27 section 3602 of the education law, as added by section 37 of part A of
28 chapter 58 of the laws of 2011, is amended to read as follows:

29 (1) in the case of a district determined to be a high-need school
30 district pursuant to clause (c) of subparagraph two of paragraph c of
31 subdivision six of this section for the school aid computer listing
32 produced by the commissioner in support of the enacted budget for the
33 two thousand seven--two thousand eight school year and entitled
34 "SA0708",

35 (a) in the case of a city school district in a city with a population
36 in excess of one million inhabitants, four and five hundred thirty-seven
37 thousandths percent (0.04537),

38 (b) in the case of a city school district in a city with a population
39 of more than two hundred fifty thousand inhabitants and less than one
40 million inhabitants according to the [two thousand] most recent federal
41 census, four and one-tenth percent (0.041),

42 (c) in the case of a city school district in a city with a population
43 of more than two hundred ten thousand inhabitants and less than two
44 hundred fifty thousand inhabitants according to the [two thousand] most
45 recent federal census, four and thirteen hundredths percent (0.0413),

46 (d) in the case of a city school district in a city with a population
47 of more than one hundred seventy thousand inhabitants and less than two
48 hundred ten thousand inhabitants according to the [two thousand] most
49 recent federal census, five and ninety-seven hundredths percent
50 (0.0597),

51 (e) in the case of a city school district in a city with a population
52 of more than one hundred thousand inhabitants and less than one hundred
53 seventy thousand inhabitants according to the [two thousand] most recent
54 federal census, five and fifty-three hundredths percent (0.0553),

55 (f) in the case of any other such school district which has a three-
56 year average free and reduced price lunch percent greater than seventy-

1 five percent (0.75) and which has an administrative efficiency ratio
2 less than one and fifty-five hundredths percent (0.0155), four and nine
3 hundredths percent (0.0409), and
4 (g) for all other such school districts, six and eight-tenths percent
5 (0.068), or
6 § 7. This act shall take effect on the first of April next succeeding
7 the date on which it shall have become a law.

STATE OF NEW YORK

96

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. SAYEGH -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the apportionment of moneys for capital outlays and debt service for school building purposes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "rebuild
2 our schools act".

3 § 2. Subparagraph 2 of paragraph c of subdivision 6 of section 3602 of
4 the education law is amended by adding a new clause (d) to read as
5 follows:

6 (d) For aid payable in the school years two thousand twenty-three--two
7 thousand twenty-four and thereafter for school building projects to
8 remedy capacity shortages of high-need school districts, as defined
9 pursuant to regulations of the commissioner in clause (c) of this
10 subparagraph and are located in a county with a population of more than
11 nine hundred forty thousand and less than one million inhabitants
12 according to the two thousand ten federal census, as approved by the
13 voters of such school district or by such board of education of a city
14 school district in a city with more than one hundred twenty-five thou-
15 sand inhabitants, on or after July first, two thousand twenty-one, may
16 compute aid under the provisions of this subdivision using the high-need
17 secondary supplemental building aid ratio, which shall be the lesser of:
18 (A) the product, computed to three decimals without rounding, of the
19 greater of the building aid ratios computed pursuant to subclauses (i),
20 (ii) and (iii) of clause (b) of this subparagraph multiplied by ten
21 percent; or (B) the positive remainder of ninety-eight one-hundredths
22 less the greater of the building aid ratios computed pursuant to
23 subclauses (i), (ii) and (iii) of clause (b) of this subparagraph.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted.

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1 School building projects eligible for aid pursuant to this clause shall
2 include projects to address capacity shortages of at least ten percent
3 of the calculated capacity of the district or at least ten percent of
4 the calculated capacity of elementary or secondary schools of the
5 district, as determined by the commissioner.

6 § 3. This act shall take effect immediately.

STATE OF NEW YORK

103

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. SAYEGH, FORREST -- read once and referred to the
Committee on Education

AN ACT to amend the education law, in relation to increasing foundation aid to school districts located in a high wealth ratio county that meet five variables impacting academic success: free or reduced lunch, English language learners, wealth ratio, enrollment, and special education

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "School aid
2 equity act".

3 § 2. Section 3602 of the education law is amended by adding a new
4 subdivision 42 to read as follows:

5 42. Foundation aid to address school district funding inequity.
6 Commencing with aid payable in the two thousand twenty-four--two thou-
7 sand twenty-five school year, the commissioner shall increase the amount
8 of foundation aid, at a rate determined by the commissioner, for school
9 districts that all of the following conditions and criteria apply:

10 a. a three-year average free and reduced price lunch percent greater
11 than two-thirds or sixty-seven percent (0.67);

12 b. an English language learner count that totals above thirteen
13 percent (0.13) of the entire school district population;

14 c. a combined wealth ratio greater than seven-tenths (0.7);

15 d. an increase in enrollment of at least two percent (0.02) since the
16 two thousand fifteen--two thousand sixteen school year; and

17 e. a special education count that totals above eight percent (0.08) of
18 the entire school district population.

19 Nothing in this subdivision shall reduce the amount of foundation aid
20 to any school district in which this subdivision's conditions and crite-
21 ria do not apply.

22 § 3. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[] is old law to be omitted.

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Assemblyman 90th District

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**Assemblyman Nader J. Sayegh's Key Educational Bills:
2024 Legislative Session**

1. **A67** – **Enacts the Education Funding Census Update Act.** Updates the Census Numbers used to calculate State Educational Funding from the 2000 Census presently used to the recent 2020 Census. Social Demographic have changed since 2000.
2. **A87** – Provides for the Trustees of the State University of New York to establish a **four-year College of Engineering and Applied Sciences in the City of Yonkers** within the State University System.
3. **A96** – **Enacts the Rebuild Our Schools Act.** Relates to the apportionment of money for Capital Outlays and Debt Service for school building purposes. Renovating old school buildings and the building of new schools.
4. **A103** – **Enacts the School Aid Equity Act.** Modification of the NYS School Foundation Aid Formula utilizing five variables and percentages impacting funding and academic success: Free or Reduced Lunch, English Language Learners, Enrollment Numbers, Special Education, and Wealth Ratio.
5. **A3112** – Establishes that **any person who knowingly engages in a repeated course of cyberbullying of a minor is guilty of an unclassified misdemeanor** punishable by a fine of not more than \$1,000 or by a period of imprisonment to not exceed one year, or both.
6. **A3278** – Directs the Commissioner of Education, in conjunction with the Superintendent of State Police and the Commissioner of the Division of Homeland Security and Emergency Services to **establish standards for the security and safety of school grounds.**
7. **A4579A** – **Relates to indoor air quality in schools.** Allows the Department of Health (DOH) to inspect the air quality in schools either upon their own initiative or in response to a complaint. DOH would also be required to provide schools with guidance on steps it could take to improve the indoor air quality and establish a model indoor air quality program for adoption by schools, protecting students and teachers from unnecessary risks.
8. **A4909** – **Provides public access to epinephrine auto-injector devices at schools** and establishes public access epinephrine auto-injector device providers.
9. **A6825** – **Requires annual screenings for depression of students in Grades 7-12.** Requires the Department of Education and the Department of Health to review data pertaining to the results of such screenings for local and statewide trends concerning teenage depression.