

September 2, 2024

Comments of LEAF of Hudson Valley to Rockefeller Institute of Government Re: Allocation of New York State Resources to School Districts

LEAF (Legal Environmental Advocacy Fund) of Hudson Valley respectfully submits the following Comments concerning the Foundation Aid formula and the allocation of New York State education resources to school districts.

We strongly oppose any cuts and urge New York State prioritization of funding to its schools, with emphasis on not just movement towards education equity in schools, but movement towards a cleaner, healthier, and more vibrant state economy which will benefit all our children as they grow into adulthood.

We want today's students to be prepared to move into the clean energy jobs that can be a powerful engine for New York's economy for decades to come.

The clean energy transition is underway. New York is primed to lead it.

However, to be a leader, we need to invest in our children today. That means investing in our schools.

Background

The Campaign for Fiscal Equity (CFE) was a coalition of community school board members, education advocates and parent groups, founded in 1993 by Michael Rebell, an education lawyer and scholar who currently heads the Teachers College Center for Educational Equity at Columbia University, and Robert Jackson, a Bronx community school board president. In a lawsuit filed in 1999, CFE argued that New York has consistently and severely underfunded New York City schools, failing to provide the "sound basic education" that the State's constitution guarantees all the state's students. CFE won its suit and, in 2006, the New York State Court of Appeals, directed the New York State legislature to substantially increase funding, noting the "fundamental value of education in our democratic society", and restating the Court's previous agreement with the CFE in *Campaign for Fiscal Equity v State of New York*. (The legislature began to comply with the Court's directive in the State's 2007 budget. But the 2008 Great Recession derailed the plan (Fructer & Mokhtar-Ross 2023).

In fact, the Court's mandate has never been fulfilled.

In 2021, New York settled the CFE follow-up lawsuit initiated by Rebell, long-running *New Yorkers for Students' Educational Rights (NYSER)* case, the CFE follow-up lawsuit initiated by Michael Rebell on behalf of plaintiff parents, students, and education stakeholder organizations statewide. New York's legislature committed to phase in full funding to the Foundation Aid Formula over 3 years (CEE 2024).

The Need for a Fairer and More Expansive Approach – Beginning with Updating Funding Models

There is a desperate need for updating metrics, including very out-of-date cost-of-living metrics.

In a November 2022 post, Rebell and Jessica R. Wolff, CFC's Director of Policy and Research, called for the establishment of a standing State commission to develop a new state aid formula to replace the current outdated formula and argued the need for mechanistic assurance of future fair school funding. Specifically, Rebell and Wolff wrote:

In the 16 {now 18} years since the formula's adoption ...New York has seen many changes in demographics, school policies, and state education mandates, creating many new resource inequities and inadequacies. These must be remedied to ensure all schools are fairly and adequately funded and students' constitutional right to a sound basic education are honored in 2024 and the years to come.

Planning must begin immediately for a fair new funding system. The new system must take current realities and current student needs into account, and it must be designed to respond to changing needs and costs in the future. It must be insulated from undue political influence, and it must respond to the experience of education stakeholders, the people most affected by inequities and inadequacies.

To this end, we call for the immediate establishment by either the governor, the legislature, or the Board of Regents of a standing commission whose charge will be to ensure the state's system for financing education (1) is equitable and allocates the level of funding needed to provide all students a meaningful opportunity for a sound basic education; (2) meets applicable constitutional and legal requirements; (3) monitors and reports to the public on implementation and proposes periodic modifications to meet changing needs; and (4) provides guidance and stability for effective, cost-efficient educational programming and planning. We further recommend that the state utilize a new comprehensive cost methodology that is grounded in evidence of best practices in New York State, the judgment of distinguished New York State educators, and New York State's constitutional requirements

(Rebell & Wolff 2022).

Which brings us to 2024.

It is no small irony that 2024 marks the 70th anniversary of *Brown v. Board of Education*.¹

And it is dispiriting and sad that New York – which hosts the financial capital of the world – has yet to adequately address the educational inequities sought to be remedied at both state and national levels for so very long.

New York needs to stop spending money fighting lawsuits brought by educational leaders and start prioritizing the federal and New York State Constitutional rights of all students.

'Fiscal sustainability' must not be cover for just another excuse for New York State to dodge its constitutional duty to ensure the availability of a sound basic education to all children of the State.

The Pandemic's Ongoing Impacts Mandate Consideration

Adequate funding is the first step. However, the leap forward requires careful assessment of the strains currently facing our schools and society at large. This must be followed by due consideration of how funding might simultaneously serve other important state goals.

Many converging forces are placing a strain upon children, schools, and the communities in which they sit.

For one thing, we are still in the process of emerging from the societal shocks wrought by a historic pandemic. While the crisis period is – hopefully – behind us, the detrimental impacts upon education and the mental health of students is well known. Without strong action to remedy the harms caused by the unprecedented level of learning loss, physical and mental health challenges, and trauma, Covid may cost our children substantially in future earnings and lost future economic activity. As the Annie E. Casey Foundation soberly iterated, the disruptions affect multiple domains, including:

- **Remote learning:** *The sudden shift to remote learning platforms decreased instructional time and hindered student learning. Many students struggled to stay focused in class, and they were less likely to seek help when needed.*
- **Digital Divide:** *Disparities in internet access exacerbated existing educational inequities for Black and Brown communities. As a result, children spent less time learning, and were more likely to drop out of school altogether.*
- **Mental Health:** *Many students experienced significant mental health struggles after the shift to remote learning. Students were increasingly isolated, spending more time on devices and getting very little physical activity — all of which contributed to increased stress, anxiety and depression.*
- **Curriculum Adjustments:** *Teachers were required to redesign lesson plans and find innovative ways to keep students engaged. In many cases, teachers were forced to eliminate sections of their curriculum due to their limited instructional time.*
- **Extracurricular Activities:** *While classroom learning shifted to a remote model during the pandemic, extracurricular activities were typically suspended altogether. Without the outlet of extracurricular activities, students had fewer ways to develop their talents, manage stress and connect with their peers*

(AECF 2024).

The legacy of Covid is still very much with our children in New York. As is the case in other states, chronic absence has risen, children struggle to resume their school day routines, the loss of years of normal socialization has led to increased sense of alienation and loneliness. All of these impacts especially affect children of color, children in immigrant and non-English speaking households, and children living in poverty and income-strained households and communities.

For children in lower income communities, to a disproportionate degree, Covid literally took away their caregivers and family members.

Covid has also led to the corollary and continuing emergence of Long-Covid, which may affect both adults and youngsters. This argues the need for resilience in school staffing and support for children who may be struggling with health problems for extended periods.

As discussed in a study published in the August 2024 online version of the Journal of the American Medical Association (JAMA), Covid sequelae and Long Covid, conditions with wide-ranging symptoms – including in the cognitive, neurologic and behavioral/psychological domains

– are demonstrably affecting school age children and adolescents (Gross et al 2024; See also Karlis, Nicole 2024).

It is Time to Invest in the Whole School Ecosystem

So, what do our children of all ages and grades need?

They need our schools to be safe havens. They need teachers who have the continued training and resources they need to be excellent educators. They need available adequate numbers of aids, and counselors, and teachers, and special education teachers, and tutors, and school nurses.

The individuals who staff these critical school support networks need to be able to work without being encumbered by constant anxiety that resources will be unavailable. No one can perform their work effectively when faced with the constant worry that funding for their job will be eliminated the next year. Funding shortfalls also challenge relations among administrators and staff, and among different categories of staff – which is the last thing schools and their students need.

New York would do well to heed the Nobel Prize-winning economist James Heckman’s admonition to invest in the whole child. The best way to reduce deficits and strengthen the economy is to invest in quality childhood development for disadvantaged children (Heckman 2013). As important as is development of the ability to acquire and retain knowledge, better outcomes in education, health and economic productivity depend upon the building of sets of character skills like conscientiousness, forward-thinking behavior, motivation, perseverance, self-control, and self-esteem. “Improving the American educational system requires a fundamental reexamination of which skills matter in life, in what combination, and how and when best to form them, as well as how to more effectively align measurements of school achievement with the development of skills that drive adult achievement” (Heckman 2017).

Decades of research demonstrates that a systemic approach to social and emotional learning from Pre-K to Grade 12 promotes academic, emotional, and social competencies (Mahoney 2021).

In this regard we wish to emphasize the need to provide children with an enriching and supportive environment that enables them to actively explore many domains. While critically important for low socioeconomic status (SES) learners, atypical learners, children with disabilities, and other children with special needs, enhancing provision of active learning opportunities would benefit all manner of students.

We find the argument for funding classes, extracurricular activities, and summer programs in things like art, chess, debate, drama, gym, home economics, music, nature, and shop to be highly meritorious. Such programs should not be viewed as extraneous. They contribute to academic success in a multitude of ways. For one thing, kinesthetic learning, use of different senses, and working with hands manipulating materials develops cognitive skills in ways which reading, math, and work on computers cannot do. These types of ‘non-core’ activities teach a broader range of skills, spur creative thought, and encourage cooperation and socializing. They may also ameliorate the negative inhibitory control, attentiveness problems and working memory issues associated with high levels of use of electronic devices (including loneliness and smartphone addiction). (See, e.g., Jacquet 2023; Skowronek 2023. See also Mahoney 2021.)

Far greater funding also needs to be directed towards the humanities in New York schools. A firm grounding in civics, history, literature and the social sciences is an imperative. How else can we create a more civil, equitable, and just society? How else can we ensure good governance?

We are not at all advocating a step away from science, technology, engineering, and math (STEM) teaching. To the contrary, knowledge in STEM areas is essential to prepare youngsters for life as adults. In fact, STEM education should be expanded with a mind to developing the clean energy workforce needed to avert climate and ecosystem calamity. Enabling New York to be a leader in a far cleaner and safer renewable energy-based economy is something we strongly support.

What we are arguing is that knowledge of the arts and humanities is central to the creation of a thriving and ethical culture.

Consider the Ways Dedicated Funding of a Broader Array of Programs Can Enhance Other Important New York State Objectives: The Green Schools Example

Verguet, et al, observed that schools and smart school-based programs represent a “unique locus and opportunity” (Verguet et al 2023).

We advance that the effort to increase equity in New York’s schools provides a unique locus and opportunity to achieve the realization of other New York State objectives. Green schools which broadly introduce sustainability in thought and programmatic activity could support an array of other state goals. Such goals include: creation of a cleaner environment, nourishment of public health; development of affordable energy efficient housing; preservation of a vibrant agricultural sector that enables small farms to thrive and delivers fresh produce to ‘food desert’ areas; reduced dependence on polluting unsustainable fuels; and making our communities more resilient to our changing climate.

While physical infrastructure is beyond the scope here, it is worth noting that New York recognizes that investing in infrastructure improvements to add renewable generation and make schools more energy efficient will create healthier learning environments and save money for school districts. (See, e.g., NYSERDA Clean Green Schools Initiative).

New York also recognizes the direct links between creating a cleaner, more affordable energy system and community resilience, economic development, equity, inclusivity, and in-state job creation. Expansion of access to economic opportunities for disadvantaged communities and underserved populations is a core goal incorporated into New York’s Climate Leadership and Community Protection Act (Climate Act).

Introducing a clean energy and sustainability content in education provides the building blocks for careers in biology, construction, design, engineering, electronics, the environmental sciences, etc. Even now, quality career opportunities in clean energy sectors outpace overall job growth in New York (NYSERDA 2023).

Sustainability, however, also includes the ability to discern what is sustainable.

We argue the pragmatic utility and societal urgency of promoting the *understanding* of sustainability in curricula and extra-curricular activities.

Indeed, if we fail to do this, the costs will be beyond calculation.

Conclusion

The multisectoral returns on investment for a strong state education system, with qualitative student support services and provisions of enrichment activities are vast. For the objectives of increasing cognitive development, equity, physical health, mental health, and many other realms of public welfare, there is arguably no better investment that a state can make.

Further, developing Green Schools which integrate the understanding of sustainability into curriculum and extracurricular activities would enhance education and facilitate the achievement of a multitude of other New York State goals.

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On behalf of
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(NOTE: LEAF derives from Legal Environmental Advocacy Fund.)

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¹ It needs to be remembered that, prior to *Brown v. Board of Education*, Thurgood Marshall filed litigation against the New York State Board of Education for unequal schooling for indigenous children and children of color in the Village of Hillburn, in the Town of Ramapo, Rockland County. This matter was settled with the agreement that schools within New York State would be integrated and provide equal education to all children. Unfortunately, today, because New York State has failed to provide necessary fundings to public schools in the Ramapo Central School District, school segregation is rampant. As a result, non-white children in the district receive substandard education. This is not acceptable.