

New York State Educational Conference Board



ASSOCIATION
OF SCHOOL
BUSINESS OFFICIALS



January 26, 2024

Lisa Long
Executive Director
NYS Education Department
Charter School Office
55 Hanson Place
Brooklyn, New York 11217

The New York State Educational Conference Board is comprised of the Association of School Business Officials, Conference of Big 5 School Districts, New York State Council of School Superintendents, New York State PTA, New York State School Boards Association, New York State United Teachers, and the School Administrators Association of New York State.

Together, we speak on behalf of parents, teachers, administrators, and board members from every one of New York's public schools – and for the students they serve.

We are writing to comment on charter school financing proposed regulations (EDU048-23-00013-P) that were published for public comment in the State Register on November 29, 2023.

We have several concerns with these proposed regulations that would alter the methodology used for school districts to determine the aid attributable to students with disabilities who are provided services by charter schools. The longstanding practice since Foundation Aid was created, based upon Commissioner's regulations, used a setaside calculation to determine the amount of excess cost aids contained within Foundation Aid.

This process has worked well since 2007 and we see no reason make a change. While the funding of charter schools has always been a point of contention, this specific payment has largely been devoid of controversy. The ECB has made numerous proposals over the years to modify the charter school basic tuition calculations, yet we have never raised the excess cost aid setaside calculation as an issue that needed to be modified. As such we are requesting that the Department retain the existing setaside methodology for the calculation of aid attributable to students with disabilities served in charter schools.

The proposed regulations use the statutory weighting for special education students (1.41) multiplied by the selected foundation aid per pupil to determine the payment amount for each special education child who is provided services by the charter school.

New York State Educational Conference Board
John Yagielski, Chair – chair@newyorkecb.org

This approach does not take into account if Foundation Aid is underfunded again in the future. If Foundation Aid is underfunded, this regulation would still require school districts to make a payment to charter schools calculated as if the district did receive full Foundation Aid funding. While several months ago the idea of underfunding Foundation Aid seemed like an unlikely policy concern, we have quickly found ourselves back in another Foundation Aid debate given the 2024-25 Executive Budget proposal. While the specific proposal the Executive advanced doesn't underfund Foundation Aid in a manner that would affect this special education calculation – it does remind us of that underfunding Foundation Aid is a persistent issue that is unlikely to go away.

In addition, by using a new calculation to allocate these special education payments from school districts to charter schools this will create a financial burden on school districts who will be required to pay additional funds to charter schools compared to the current setaside calculations. The school districts most impacted are those least able to afford additional payments to charter schools. Charter schools are concentrated in high poverty, low wealth communities that have been underfunded for decades. These special education related payments are on top of the ongoing growth in charter school tuition levels. This ongoing negative impact that this proposal will have on these high need school districts will place an additional financial burden on these needy districts.

Given the issues we have raised we strongly encourage the State Education Department to withdraw this regulation from consideration.

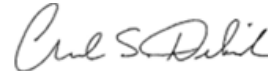
Sincerely,



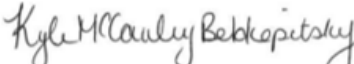
Brian Cechnicki, Executive Director
New York State Association Of School Business Officials



Jennifer Pyle, Executive Director
Conference Of Big 5 School Districts



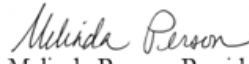
Charles Dedrick, Executive Director
New York State Council Of School Superintendents



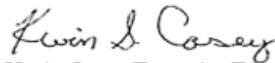
Kyle Mccauley Belokopitsky, Executive Director
New York State Congress Of Parents & Teachers, Inc.



Robert Schneider, Executive Director
New York State School Boards Association



Melinda Person, President
New York State United Teachers



Kevin Casey, Executive Director
School Administrators Association Of New York State