

FSF Task Force Recommendations

Date: TBD

To: Mayor Bill de Blasio
Council Speaker Corey Johnson
Chancellor Richard Carranza

From: Fair Student Funding Task Force

Subject: Final Task Force Report and Recommended Next Steps

Task Force Charge: The Task Force was established pursuant to Local Law 17 of 2019 (“LL 17/2019”) to review the Fair Student Funding Formula (“FSF” or “the formula”), which is a weighted student funding formula used by the New York City Department of Education (“DOE”) to distribute funds directly to principals based on the needs – or “weights” – of students attending a particular school. The Task Force is to make recommendations to the Mayor, Chancellor and City Council Speaker related to FSF. Pursuant to LL 17/2019, the Task Force is required to consider and make recommendations relating to the categories, types of students, grade levels, and weights for funding allocations to meet the instructional needs of students citywide.

Overview of Task Force Work Plan: The Task Force includes community education council (“CEC”) members, UFT and CSA, representatives from advocacy organizations, with participation from DOE and City Hall. The Task Force met every two weeks as a large group from May to September, and then monthly from October through December. In our meetings, DOE presented and we discussed the formula to get a better understanding of the formula, its goals, and which specific populations the weights are designed to support. Additionally, we learned what types of school based expenditures are funded through the formula and what is not funded through the formula. The Task Force reviewed the history of the formula to get a better understanding of its intentions at inception and reached out to experts in the field. The Task Force also heard presentations from the Chief Financial Officer, as well as from representatives of the Chief Academic Officer, the Deputy Chancellor for School Climate and Wellness, and the Independent Budget Office. Outside of regular meetings, the Task Force held a forum with principals, sessions with parents, met in small groups, and surveyed teachers to get a wide perspective on suggestions to improve the formula. Such activities served to fulfill the requirement in LL 17/2019 that the Task Force consult with interested members of the public, including parents of students currently enrolled in school.

In order to begin drafting the report, the Task Force formed small working groups to write each section and recommendation. We met as a large group monthly during this time to continue our discussions, update each other on our progress, and finalize recommendations. This report, which outlines recommendations for action, concludes the work of the Task Force. However, a majority of the Task Force believes any changes made to the formula should include an evaluation by an impartial outside expert to determine effectiveness.

Recommendations included in this report do not necessarily represent the views of all members. Task Force members created recommendations in their small working groups, then voted upon whether each such recommendation should be included in this report. Any recommendation that received votes from a majority of Task Force members have been included in this report. Issues discussed in our meetings but not included as recommendations include class size and average teacher salary.

FSF Task Force Recommendations

The following members were appointment to the Task Force:

NeQuan McLean, President, Community Education Council 16	CEC Brooklyn
John Gavros, First Vice President and IEP Parent Member, Community District Education Council 26	CEC Queens
Dr. Eduardo Hernandez Vice-President, BPA, Community Education Council District 8	CEC Bronx
Shino Tanikawa Member, Community Education Council District 2	CEC Manhattan
Michael Mulgrew, <i>President, United Federation of Teachers</i>	UFT rep
Mark Cannizzaro, <i>President, Council of Supervisors and Administrators</i>	CSA rep
Celia Green, <i>President, Citywide Council of High Schools Public School Parent</i>	Public School Parent
Sheree Gibson, <i>Strategic Innovator for Events, Marketing, and Program Development, Gibson+Co Consulting</i>	Public School Parent
Rebecca Kostyuchenko, <i>Parent Advocate, ARISE Coalition</i>	Advocate
Marissa Munoz, <i>Senior Director, Education Policy, Hispanic Federation</i>	Advocate
Randi Levine, <i>Policy Director, Advocates for Children</i>	Advocate
Maria Bautista, <i>Campaigns Director, Alliance for Quality Education</i>	Advocate
Sarah Zapiler, <i>Executive Director and Coach, IntegrateNYC</i>	Advocate
Terrence Winston, <i>Coalition for Community Schools Excellence</i>	Advocate
Anita Gundanna, <i>Co-Executive Director, Coalition for Asian American Children and Families</i>	Advocate
Julisa Perez, <i>Executive Director, IntegrateNYC</i>	Advocate
Kadija Kone, <i>Student</i>	Advocate
Jahmya "Jace" Valentine, <i>Student</i>	Advocate
Richard Carranza or designee	Chair Chancellor/Ex officio
Corey Johnson or designee	Speaker/Ex officio

Summary of Task Force Findings: Overall, the Task Force believes that additional funding is needed to fully fund and realize the formula. This funding should come from the \$1.1 billion owed to New York City from the State as per the settlement in *Campaign for Fiscal Equity v. State of New York*. Our recommendations are largely focused on adding and increasing weights to provide inclusive, child-centered learning for all NYC students. Fully funding the formula at 100% for all schools is our priority. Beyond full funding, we believe there are opportunities to make greater changes, increase transparency, and improve methods to better ensure delivery of mandated services. However, these changes are near impossible without the funding owed to New York City by the State. A majority of the Task Force also recommends that all information about the formula and school budgeting practices be communicated to stakeholders – including parents, teachers, and students – in a way that is clear and accessible.

Task Force Recommendations:

- 1) Bring All Schools to 100 Percent FSF with CFE Funding
- 2) Add New Weights for Poverty, Students in Temporary Housing, and Students in Foster Care with CFE Funding
- 3) Add a New Weight for Concentrations of Need with CFE Funding
- 4) Increase Base Allocation with CFE Funding
- 5) Provide Schools with Funding from the State to Hire Staff Needed to Meet Instructional Mandates of Students with Disabilities and English Language Learners
- 6) Evaluate Increasing the Weights for Specialized Populations
- 7) Increase High School Weight to Match the Specialized Academic Weight with CFE Funding
- 8) Review and Evaluate Career and Technical Education, Specialized Audition and Transfer Weights
- 9) Provide Greater Transparency, Input and Training

Recommendation 1: Bring All Schools to 100 Percent FSF with CFE Funding

Fully Fund Schools

FSF is the main source of funding for New York City schools and provides principals flexibility in spending, subject to consultation with School Leadership Teams and to the school's Comprehensive Education Plan. Principals have the discretion to schedule funding based on the particular needs of their school. FSF is the largest funding stream supporting New York City public schools, comprising two-thirds of a school's budget on average. However, as a result of insufficient funding from New York State, not all schools are fully funded under FSF. In Fiscal Year 2015, the funding floor was 81% and the average school was receiving 87% of their FSF entitlement. This Administration has made historic investments in Education including Equity and Excellence initiatives such as 3-K and Pre-K for All, Universal Literacy, and Algebra for All. This Administration has also increased FSF and ensured all schools receive a minimum of 90 percent of their FSF entitlements, with an average of 93 percent. This is in addition to the work begun by the de Blasio administration in raising high-needs former Renewal and all new schools to 100% FSF. For the 2019-2020 school year, 352 schools are at or above 100 percent FSF allocation out of approximately 1,500 schools receiving FSF funds.

- The Task Force recommends that approximately \$750 million from CFE funding be invested annually to raise all schools to 100 percent of their FSF entitlements.

Action to Be Taken

- Until there is sufficient funding to support all schools at 100 percent FSF, the Task Force recommends prioritizing schools within districts with the highest poverty rates to receive 100 percent of their FSF entitlements. This aligns with the Task Force's overall belief that FSF is a tool to address inequities across schools.
- For those schools that receive over 100 percent FSF entitlement, which are 84 schools in the 2019-2020 school year, the Task Force recommends that DOE continue to decrease these schools' FSF allocation to bring them to 100 percent FSF within the next three to five years, with a review process to provide tailoring for high-needs schools and schools with declining enrollment in high poverty districts over 100 percent of formula.
- DOE should call on the State to fully fund Foundation Aid to New York City. The landmark 2006 *Campaign for Fiscal Equity (CFE) v. the State of New York* lawsuit revealed that the State under-funded New York City schools and denied students their constitutional right to a sound, basic education. In recognition of the State's responsibility to provide the necessary educational resources to school districts as a result of the lawsuit, the Education Budget and Reform Act of 2007 created the Foundation Aid formula to distribute unrestricted aid to all school districts across the State. Under the Foundation Aid formula, New York City would have received an additional \$1.93 billion in its annual budget. However, since 2010, Foundation Aid funding for the City has fallen short of what was established in 2007, and as such, has impacted DOE's ability to fully fund FSF. The Task Force urges the State to allocate an additional \$1.1 billion in Foundation Aid funding to New York City in the Fiscal Year 2020-2021 budget based on the amount promised pursuant to the CFE lawsuit. The City is entitled to this funding, and it is the State's legal mandate to provide this funding in order for the City to provide the sound, basic education students deserve. While the Task Force acknowledges that funding deficits to bring FSF entitlements to 100 percent for all schools is tied to the State not fulfilling its obligations for Foundation Aid funding through the CFE lawsuit, a majority of the Task Force believes this should not be a barrier to FSF funding. While the City continues to advocate the State for its entitled funding, the Administration should make all efforts possible to fully fund FSF.

Recommendation 2: Add New Weights for Poverty, Students in Temporary Housing, and Students in Foster Care with CFE Funding

A majority of the Task Force recommends adding three new weights to the FSF formula to better meet the needs of students: 1) living in poverty, 2) living in temporary housing, and 3) in foster care.

Students Living in Poverty

73% of children in NYC schools live in poverty. Research suggests that there is a direct negative correlation between childhood poverty and educational outcomes. Children do not leave their poverty behind when they enter the classroom; a child's socio-economic status impacts their learning.

The addition of this weight is not to be confused with the current poverty weight in FSF. Presently, the FSF formula includes a poverty weight only as a proxy for the need for academic intervention services for students who do not yet have test scores to use for this purpose, which should continue.

Students Living in Temporary Housing

Around 100,000 students in New York City schools are living in temporary housing. This includes approximately 33,000 students living in shelters and approximately 64,000 who are doubled up. Students in temporary housing face challenges to academic success and have worse educational outcomes than their peers.

Students in Foster Care

Approximately 7,800 school-age students are living in foster care in New York City attending public school. While many schools across the City have high concentrations of students in temporary housing, schools receiving FSF tend to have only small numbers of students in foster care, so the City should consider the funding mechanism that will best support students in temporary housing separately from the funding mechanism that will best support students in foster care. Students in foster care face also face barriers to academic success with only 43% of 16 to 18-year-olds on track to graduate in four years compared to 75% of 16 to 18-year-olds on track to graduate in four years, as of the 2017-18 school year.

Action to be taken

- With additional funding from CFE, DOE should explore creating new FSF weights to support children living in poverty (at all ages and all grades), students in temporary housing, and students in foster care.
- For the new poverty weight, DOE should explore a New York City specific income measure which is inclusive of immigrant families without legal status, e.g. the Mayor's Office of Economic Opportunity's NYC Government Poverty Measure.
- Determine the most effective form in which this funding should be provided, including:
 - Adding a new FSF weight for students in poverty (regardless of grade level), students in temporary housing, and students in foster care.
 - Adding a new FSF weight for schools that have high numbers of students living in poverty, students in temporary housing, and students in foster care. Schools that have a threshold number or percentage of qualifying students would receive this additional weight.
 - Increasing funding outside FSF for system-wide and school specific programming targeted specifically for students in poverty, students in temporary housing, and students in foster care.

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- In exploring approaches to support students living in temporary housing, the DOE should consider a higher weight or increased funding for students living in shelters than for students in other temporary housing situations (e.g., doubled up) as students in shelters have greater needs.

Recommendation 3: Add a New Weight for Concentrations of Need with CFE funding

School administrators and leaders have shared with the Task Force that high concentrations of students with particular needs require additional resources for academic success. In addition, schools with a high concentration of a population with a particular need often have high concentrations of populations of students with one or more other needs, e.g., a school with many children in temporary housing may also have a high number of low-income students and students qualifying for academic intervention services. A majority of the Task Force believes that high concentrations of student needs result in additional services required to support achievement. Schools should be provided the financial resources they need to successfully service higher levels of need that result from large concentrations of specific sub-populations of students within a school community.

Action to be taken

- Research and analysis should be conducted in order to determine the appropriate number or percent of students in a school that would constitute a high concentration of a particular student population to trigger the use of this weight.
- Through CFE funding, DOE should commit to providing additional funding or school-specific weights to schools that have high concentrations of particular student populations, e.g. low-income students, students with disabilities, English Language Learners, students living in temporary housing or foster care, and students in need of academic interventions.
- Research and investigation should be conducted to determine the most effective form or forms in which this funding should be provided, including:
 - Adding a new FSF school-based weight with CFE funding for schools that have a high number or percentage of students in a particular category. Schools that have a threshold number or percent of students would receive this additional weight.
 - Increasing funding outside of FSF with CFE funding for system-wide and school specific programming targeted particularly for schools with a high number or percentage of certain categories of students.

Recommendation 4: Increase Base Allocation with CFE Funding

Increase Base Allocation

Schools should be funded to provide a high-quality, robust education. Currently, schools receive a “base allocation” of \$225,000 for fixed costs, such as salaries for a principal and a secretary. All remaining funding in the formula comes from student weights, although some schools also receive allocations outside of FSF specifically to support hiring non-classroom staff. While principals have discretion within FSF to pay for non-classroom staff, such as assistant principals and guidance counselors, a majority of the Task Force believes Grade Weight and Special Student Need Population Weights may not be sufficient to ensure staffing beyond classroom teachers at all schools.

Action to be taken

DOE should identify an enrollment threshold to ensure schools have the following positions to meet the needs of the number of students:

- Assistant principal(s)
- Guidance counselor(s)
- Social worker(s)
- One other staff for social emotional learning and positive alternatives to school discipline (e.g., restorative justice coordinator)
- School librarian (for high schools)

With additional CFE funding, DOE should expand the base allocation within FSF to include funding for these position, freeing up additional funding within grade weights which is currently intended to fund these services.

Recommendation 5: Provide Schools with Funding from the State to Hire Staff Needed to Meet Instructional Mandates of Students with Disabilities and English Language Learners

Currently, FSF provides weights to schools for each student with a disability whose IEP recommends Special Education Teacher Support Services (SETSS), an Integrated Co-Teaching (ICT) class, or a special class and for each English Language Learner (ELL) who requires bilingual education or English as a New Language (ENL) instruction. However, because the funding is allocated through a per pupil weight, the formula relies on each school having sufficient numbers of students in a particular grade span who need a particular instructional program. If a school has too few students who need a particular program, the weights may be insufficient to allow the school to hire a teacher for those students, despite the students' needs and legal requirements. Issues such as these can present challenges in programming services and meeting legal mandates for these student populations. We recognize that service delivery is also affected by the availability of certified staff.

For example, a school that has 17 third grade students who need a 12:1 special class (up to 12 students with 1 teacher) would have sufficient funding to hire a teacher for the first class of 12 students, but might not have sufficient funding to hire a teacher for the second special class for the remaining 5 students, despite their IEP mandates. In addition, the FSF weight for a student whose IEP requires a 12:1 special class is the same as the weight for a student whose IEP requires a 12:1:1 special class (up to 12 students, 1 teacher, and 1 paraprofessional) even though the school would have to hire an additional staff member in the latter example.

As a result, the DOE in some instances fails to provide students with disabilities with the instruction required by their IEPs. In fact, in 2018-2019, more than 15% of students with disabilities did not receive their full mandated special education instruction by the end of the school year. The Task Force heard from school officials and other stakeholders about this problem, which is referred to as "breakage."

Similarly, the Task Force heard concerns about schools having insufficient funding to meet the instructional mandates of ELLs. For example, if a bilingual class is not full, the school might have difficulty affording the teacher.

The DOE must ensure that schools have sufficient funding to meet the instructional mandates of students with disabilities and ELLs regardless of the number of students who require a particular instructional program.

Action to be taken

- Use additional State funding to create a new stream of more flexible funding to ensure that schools can open new classes and hire the required number of teachers and other staff to meet the instructional mandates of students with disabilities and ELLs.
- Funding should be sufficient to hire the number of teachers required to provide students with disabilities and ELLs with their mandated instruction and classes, regardless of the total number of students expected to be enrolled or currently enrolled who require a particular setting within a school and/or grade of a school, and regardless of whether or not the expected enrollment or current enrollment can fully populate a single or additional setting within a school year.
- Research and investigation should be conducted to determine the most effective form in which this funding should be provided.

Recommendation 6: Evaluate Increasing Existing Weights for Specialized Populations

There are approximately 200,000 students with disabilities in New York City district schools, approximately 150,000 students who are ELLs.

Eighteen percent of NYC students with disabilities are reading proficiently, and approximately half of these students graduate high school in four years. Meanwhile, during the 2018-2019 school year, more than 15% of students with disabilities did not receive their full mandated special education instruction by the end of the school year. The Task Force heard from school leaders that the FSF weights provided for students with disabilities are sometimes insufficient to comply with legal mandates or to implement best practices and provide these students with a high-quality education.

ELLs also face significant academic challenges. Their graduation rates are lower than the general population, and of the ELLs who do not graduate, Students with Interrupted Formal Education (SIFE) are particularly vulnerable given their need for more intensive language acquisition, and for academic and socio-emotional support. In order to improve outcomes for high school ELLs, a majority of the Task Force believes more targeted funding is needed for schools who serve SIFE in grades 6-12.

There is a clear need for Academic Intervention Services (AIS) and a state mandate that AIS be provided. In particular, the Task Force urges DOE to closely examine whether additional early intervention – in grades K-3, before test scores are available – would be an effective use of funding.

Action to be taken

- DOE should evaluate increasing weights for Special Education, ELLs, and Academic Intervention Services to provide needed services.
- DOE should ensure Career and Technical Education (CTE), Specialized Audition, and Transfer weights are adequate to meet the instructional needs of all students, including students with disabilities and ELLs.
- Research and investigation should be conducted into the most effective way to provide and to fund these services, whether through FSF or another funding methodology.

Recommendation 7: Increase High School Weight to Match the Specialized Academic Weight through CFE Funding

A majority of the Task Force believes that every school, not just “academically challenging high schools,” should offer rigorous instruction and AP courses, making the “Specialized Academic” weight for specialized high schools unwarranted.

We feel that allocating additional resources to high schools with “higher achievers” is not an equitable funding system. Instead, DOE should provide higher level funding through CFE for the Grade Weight for 9 - 12 so that every high school receives more resources to offer AP courses and offer an academically challenging curriculum.

Action to be taken

- Move the Special Academic Weight from the Portfolio weight to the Grade Weight for 9 - 12.
- Through CFE, increase the Grade Weight for 9 - 12 grades so that all high schools, not just the Specialized High Schools and a handful of others, can receive additional resources to offer adequate AP courses and other academically challenging courses.

Recommendation 8: Review and Evaluate Career and Technical Education, Specialized Audition and Transfer Weights

A majority of the Task Force believes that CTE, audition and transfer schools all require additional resources, subject to CFE funding, and that these weights should continue. However, a comprehensive review and evaluation are needed to determine if these weights are serving the instructional needs of the students.

Action to be taken

- DOE should conduct a thorough review of CTE, Specialized Audition and Transfer weights and evaluate the adequacy of the weight allocations, including for general education students, students with disabilities and ELLs.

Recommendation 9: Provide Greater Transparency, Input and Training

We recommend that the FSF formula information be shared publicly with key stakeholders and advocacy organizations in an ongoing, organized, intentional and thoughtful process. Communication should always be clear – free of jargon and unnecessary acronyms, concise, and translated so that it is accessible to everyone. It is important to explain why FSF is critical and communicate its impact on the student experience. Additionally, information should be communicated in a way that is culturally sensitive and appropriate.

People have different learning styles and ways of communicating. There must be a sustained commitment from the DOE and City Hall to ensure that all stakeholders - to the best of their ability - comprehend what FSF is and that it's communicated in a way that meets them "where they're at," especially in the early stages of information dissemination.

Additionally, the DOE and City Hall must be mindful of the racial and cultural biases that may be present in communicating with communities regarding the FSF. When historically underserved people of color, students with disabilities, ELLs and their families are not provided information in a manner that is sensitive and respectful of their experiences, history and values, systemic inequities continue. This Task Force recommends that adequate time is taken to plan and involve members from the community and that employees of the DOE to take a major role in connecting with community members.

Transparency and Clarity

- Stakeholders include: parents/guardians, students, teachers, administrators, community based organizations and advocacy groups.
- Suggested convening spaces to satisfy these recommendations include: SLT meetings, CEC meetings, Parent teacher conferences, Superintendent led district meetings with Principals and AP, PA/PTA meetings, and Presidents' Council meetings, and town hall meetings.

Input

Stakeholders should be able to:

- Share feedback for how the FSF can better support student needs.
- Advocate for new weights and increased funding.
- Work with a DOE community assigned liaison who is accountable to the stakeholders, gathering input and relaying to the district support offices.

Training

- FSF capacity building sessions for Principals.
- FSF training for the SLT.