



Agudath  
Israel  
of America  
אגודת ישראל באמריקה

January 4, 2016

Honorable Andrew M. Cuomo  
State Capitol  
Albany, NY 12224

Dear Mr. Governor:

First things first: A happy and healthy New Year to you and yours.

On behalf of Agudath Israel of America, and the nearly 400 Orthodox Jewish yeshivos and day schools across New York State whose interests we advocate, thank you for your support of nonpublic schools. We are particularly grateful for your courageous leadership last year in proposing the Parental Choice in Education Act, and in working with the legislature to appropriate \$250 million to pay down the CAP debt owed to nonpublic schools. Your leadership in this regard is indispensable, and deeply appreciated.

I am pleased to report that the number of Jewish schools and students attending those schools across the state continues to increase. Five years ago, when you first became Governor, there were 377 Jewish schools, with an enrollment of approximately 128,300 students. Today, just five years later, there are 395 Jewish schools, with an enrollment of approximately 143,000 students, approximately a third of the total nonpublic school enrollment of nearly 413,000 students.

As you work on developing your executive budget for the 2016-17 fiscal year, we respectfully appeal to you once again to bear in mind the needs of the children who attend Jewish and other nonpublic schools across the state. We urge you to incorporate the following funding priorities in your budget proposal.

### **(1) PARENTAL CHOICE IN EDUCATION**

As noted above, last year you introduced the Parental Choice in Education Act, landmark legislation that would have provided a state tax credit for contributions to public schools and to scholarship organizations that provide scholarships for students attending nonpublic schools, as well as tax relief to low-income families for their education expenses. We urge you to include significant funding for this purpose in your executive budget for the coming year, thereby providing a powerful incentive for private donations to both the public and nonpublic school sectors, and some much needed relief for needy tuition-paying families.

## **(2) MANDATED SERVICES AND COMPREHENSIVE ATTENDANCE PROGRAM (CAP) REIMBURSEMENT**

Kudos to you once again for the additional \$250 million appropriation enacted in June 2015 for the previously-underfunded CAP program. This appropriation went a long way toward retiring the state's debt to the nonpublic schools for complying with the mandates of the Comprehensive Attendance Program.

There still remains, however, a debt to the nonpublic schools for the costs they incurred in carrying out the CAP mandates for which they still await reimbursement. Our estimates indicate that the overall debt was over \$300 million, so there remains more than \$50 million in unreimbursed CAP costs. We respectfully ask you to verify the shortfall amount and to appropriate an additional amount that is sufficient to satisfy the State's obligation.

In addition, we urge you to provide \$69 million to fully cover current year costs for CAP reimbursement.

With respect to reimbursement for the costs of complying with other state mandates, we call your attention to the need to adjust the rate of reimbursement to nonpublic schools in New York City, Buffalo and Rochester for maintaining immunization records. The reimbursement amount has not changed in 30 years, despite the many new vaccinations that have been required since that time. Additionally, the New York State Health Department now requires school staff to check the intervals between doses of vaccinations, and follow-up if a dose was not given at the appropriate time. This is a tedious, time-consuming process that costs nonpublic schools millions of dollars each year.

We propose that the mandated services program be increased by an additional \$5 million to adequately reimburse nonpublic schools in New York City, Buffalo and Rochester for the actual costs they incur in maintaining immunization records for their students. This increase should be added to the \$103 million set aside for mandated services reimbursement, adding up to a total of \$108 million.

## **(3) STATE SECURITY FUNDS**

We are grateful that in each of the past three sessions, \$4.5 million has been appropriated for security equipment for nonpublic schools. However, in the wake of recent developments in the Middle East, Europe and here in the United States, we need to make our school facilities more secure to protect our precious children. As you can well imagine, this issue is of particular concern in the Jewish community. We respectfully urge that you propose a \$10 million appropriation in security funding for nonpublic schools and expand the menu of equipment that schools can purchase with this funding.

**(4) OFFICE OF NONPUBLIC SCHOOLS**

In 1979, in recognition of the essential role played by the state's nonpublic schools within New York's overall education landscape, the State Education Department created the office of Assistant Commissioner for Nonpublic Schools. Despite the fact that this office played an essential role in coordinating state services for the nonpublic sector, its status was eventually downgraded considerably. Today, not only is there no Assistant Commissioner for Nonpublic Schools, there is no office whatsoever within SED devoted to nonpublic schools issues.

The over 400,000 children who attend nonpublic schools in New York State represent approximately 13% of all schoolchildren statewide. With the plethora of issues on the table related to nonpublic schools, and with the new mandate under the federal Every Student Succeeds Act (ESSA) to appoint an ombudsman to ensure that nonpublic schools are receiving their equitable share of federal programs, we believe the time has come to reinstate a robust Office of Nonpublic Schools within SED, headed by a high level Department official who will serve as the key liaison between the Department and the state's nonpublic school community. We respectfully ask you to include in your budget proposal \$1 million for the establishment of such an office.

Many thanks for your kind consideration. As always, you have our prayers and all good wishes for great success in all that you do.

Sincerely,



Rabbi David Zwiebel  
Executive Vice President

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