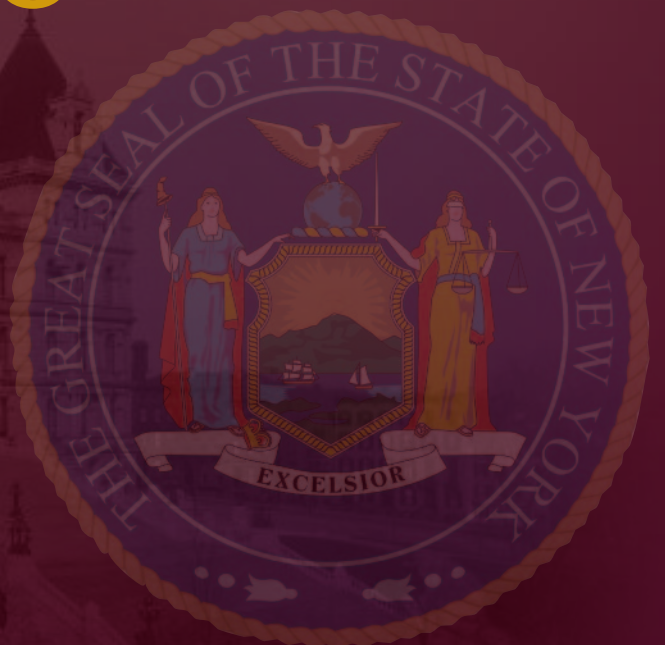




AGUDATH ISRAEL OF AMERICA
ALBANY AGENDA

TUESDAY, MARCH 6

2018





MR. SOL WERDIGER
*Chairman,
Board of Trustees*



RABBI CHAIM DOVID ZWIEBEL
Executive Vice President



RABBI SHMUEL LEFKOWITZ
*Vice President for
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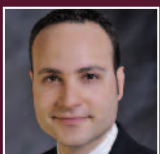
RABBI YERUCHIM SILBER
*Director of NY
Government Relations*



MRS. DEBORAH ZACHAI
*Director,
Education Affairs*



MRS. LEAH STEINBERG
*Director,
Special Education Affairs*



AVROHOM WEINSTOCK, ESQ.
*Associate Director,
Education Affairs*

THE AGUDATH ISRAEL ALBANY AGENDA 2018

AGUDATH ISRAEL'S OFFICE OF GOVERNMENT AFFAIRS

Agudath Israel of America is a 95-year-old, national nonprofit, dedicated to **championing the needs of Orthodox Jewry in America**. Headquartered in lower Manhattan, Agudath Israel maintains a Washington D.C. office and eight regional offices to serve and represent national Orthodox Jewish interests. Agudath Israel is a **multifaceted organization**, providing education and special education support; legal services; constituent services; vocational training; adult literacy; housing services; and afterschool and summer camping programming.

Through its **Office of Government Affairs**, Agudath Israel advocates before federal, state and local bodies on behalf of Orthodox Jewry and its growing network of educational, religious and charitable institutions. As New York is home to the largest concentration of Orthodox Jews anywhere outside the State of Israel, Agudath Israel has always placed **special emphasis on advocacy in the Empire State**.

Agudath Israel has played a leading role in the development and enactment of numerous laws that protect the civil and religious rights of Orthodox Jewish New Yorkers in many settings, including universities, workplaces and hospitals.



AGUDATH ISRAEL OF AMERICA

2018 ALBANY AGENDA

PAGE 5 NEW YORK STATE K-12 DEMOGRAPHICS

PAGE 6-8 TUITION RELIEF AND 529 PLANS: A NEW OPPORTUNITY

PAGE 9 RESTORE MANDATED IMMUNIZATION RECORDKEEPING REIMBURSEMENT TO ACTUAL COST

PAGE 10 FULLY RETIRE STATE'S CAP DEBT TO NONPUBLIC SCHOOLS

PAGE 11 ASSURE TRANSPORTATION OPTIONS FOR SPECIAL NEEDS STUDENTS

PAGE 11 PRESERVE THE INDEPENDENCE OF NONPUBLIC SCHOOLS

PAGE 12 INCREASE SECURITY FUNDING: PROTECT OUR VULNERABLE NONPUBLIC SCHOOL CHILDREN

PAGE 13 PROTECT THE SANCTITY OF HUMAN LIFE

PAGE 13 ACCOMMODATE KOSHER AND HALAL FOOD REQUESTS IN PUBLIC SCHOOL



ADVOCACY ON BEHALF OF NEW YORK'S ORTHODOX JEWISH SCHOOLS

Perhaps the greatest focus of Agudath Israel's New York advocacy efforts is education - protecting and advancing the interests of the burgeoning Orthodox Jewish schools. There are approximately **428 New York yeshivos** and day schools, with different affiliations: Hasidic, Lithuanian, Modern Orthodox, Ashkenazi and Sephardi. Collectively they enroll over **150,000 students** - over a third of the total nonpublic school enrollment in the state.



In addition to the high-level advocacy with legislative bodies and education departments at the city and state level, Agudath Israel maintains two divisions that directly serve parents and schools. **Project LEARN**, led by Mrs. Leah Steinberg, advocates for, guides, and educates families and providers of special needs children. The **Education Affairs Division**, led by Mrs. Deborah Zachai, generates a steady stream of newsletters, hands-on workshops and webinars that provide essential information on the rules, regulations and programs vital to the operation of yeshivos across the state. It also responds to schools' questions on an individual basis.

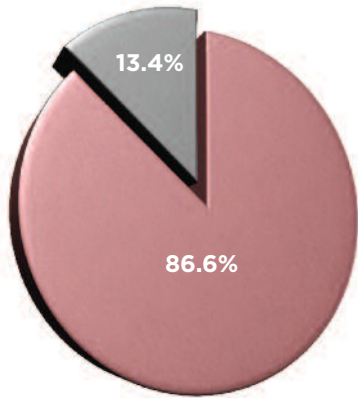
Executive staff of Agudath Israel are **acknowledged leaders** of the broader New York nonpublic school community. Agudath Israel's executive vice president co-chairs the New York State Coalition for Independent and Religious Schools, chairs the Committee of New York City Religious and Independent School Officials and is a member of the New York State Commissioner of Education's Nonpublic School Advisory Council.

Agudath Israel's long track record of advocacy and service on behalf of Orthodox Jewish schools reflects its recognition that **these schools are the very lifeblood of the community**. Yet, the parental burden of self-financing childrens' education for 14 years places a **tremendous financial strain on parents** who choose them. Accordingly, Agudath Israel's **top legislative priority for 2018 is tuition relief** for nonpublic school parents.



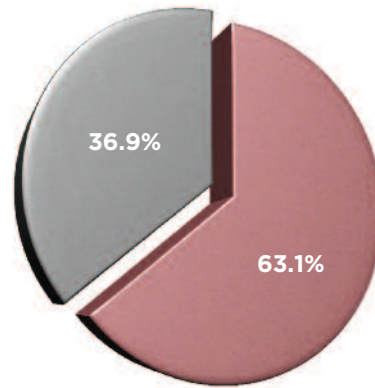
NEW YORK STATE K-12 DEMOGRAPHICS AT A GLANCE

PUBLIC & NONPUBLIC STUDENTS



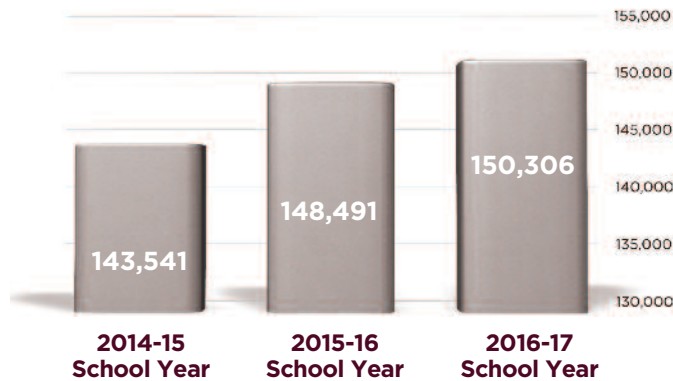
- Nonpublic School Students
- Public School Students

JEWISH & NONPUBLIC STUDENTS



- Jewish Nonpublic School Students
- Other Nonpublic School Students

JEWISH NONPUBLIC SCHOOL POPULATION: ON THE RISE



STUDENT CATEGORY		As % of Total	As % of Nonpublic
TOTAL K-12 STUDENTS	3,037,146		
TOTAL NONPUBLIC K-12 STUDENTS	407,176	13.4%	
TOTAL JEWISH NONPUBLIC K-12 STUDENTS	150,306	5.0%	36.9%

Sources: <https://data.nysed.gov/> & <http://www.p12.nysed.gov/irs/statistics/nonpublic/home.html>



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RESTORE
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IMMUNIZATION
RECORDKEEPING
REIMBURSEMENT
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FULLY RETIRE
STATE'S CAP DEBT
TO NONPUBLIC
SCHOOLS

ASSURE
TRANSPORTATION
OPTIONS FOR
SPECIAL NEEDS
STUDENTS

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INDEPENDENCE OF
NONPUBLIC
SCHOOLS

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SECURITY
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PROTECT OUR
VULNERABLE
NONPUBLIC
SCHOOL CHILDREN

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SANCTITY OF
HUMAN LIFE

ACCOMMODATE
KOSHER AND
HALAL FOOD
REQUESTS IN
PUBLIC SCHOOL

TUITION RELIEF - 529s: A NEW OPPORTUNITY

A 529 account is a tax advantaged way to save for educational expenses. **The federal government has recently allowed these accounts to be used for K-12 education** in addition to college education. Over 30 states also provide a small incentive for 529 contributions, such as a limited state tax deduction. In light of the federal change, **many states have similarly allowed 529 savings to be used for K-12 education**. New York, however, is still researching the issue.

The below addresses some common questions and misnomers on the topic:

Myth #1

The federal government has already allowed 529 use for K-12 purposes. The federal benefit is assured. There is no reason for New York to react.

Fact While many legal scholars believe that New York law automatically ties it to the federal change allowing K-12 use, others are unsure. If New York law does not allow K-12 use, then a parent who took a state deduction years ago for a contribution would now be penalized for using to pay K-12 tuition by being forced to repay that deduction. New York must clarify its law so that it does not create a roadblock, preventing many parents from taking advantage of a federal law designed to assist them.

Myth #2

But why allow any state benefit for K-12 use? This will just be enabling a program designed to benefit the wealthy.

Fact To the contrary: the federal 529 benefit only provides significant tax savings for long-term earnings. In that environment, critics have a point: those with disposable income are better situated to put away money in a 529 account and await its long-term growth.

But New York's action would be leveling the playing field. It would be enabling middle-class parents to realize an immediate deduction. In fact, by opting out of the program, and relegating the benefit to the federal level only, New York would not only be penalizing participants of the federal program, but would actually be effectuating a program that is biased to the wealthy.

Myth #3

If New York opts-in, and allows 529 accounts to be used for K-12 tuition, it will be costly. New York is not in a position to take an unanticipated, major budget hit.

Fact In fact, the expected cost is minimal. The reasons for this include New York's existing per family deduction cap; the 38% of American families that do not include two married parents (and thus may only deduct half the amount); and that every family will not contribute the maximum allowed amount every year. Most significantly, many parents will not create a 529 account at all.



That's probably why Ben Barnes, the Connecticut governor's budget chief, **did not include a line item at all for K-12 529 use**: "the governor's budget does not factor in any lost revenue." While zero impact is unlikely, after accounting for the many restrictions and caps on use, level-headed estimates expect the cost to states to be far less than one might think.

Myth #4

Enabling 529s for K-12 tuition is essentially making nonpublic school tuition deductible.

Fact Not even close. New York's 529 rules cap deductions per family, irrespective of the number of children. Moreover, 529s attain their greatest benefit when money is kept in the account for a longer period so as to grow tax free.

In addition, 529s have a force multiplying aspect, and benefit from two programs that do not cost states a dime, but assist taxpayers:

- The synergistic benefit of federal tax savings, at no cost to states.
- A program called Upromise allows parents to register a credit card with over 850 retailers. Then retailers, at no cost to parents, the federal, or state governments, deposit a percentage of purchases in the child's 529 account.

In short, 529s benefit from a robust investment infrastructure that has been in place for over 20 years, with multiple players adding to the pot, to be leveraged at relatively little cost to states. But the infrastructure cannot be put into place until New York clarifies its law on the topic.

Myth #5

New York already provides limited aid directly to nonpublic schools. This is redundant.

Fact Wrong. This is money going straight to the **working, voting parents** who need it most. Further, very limited reimbursement for services that the state is requesting nonpublic schools perform on its behalf is vastly different than direct assistance to parents.

Myth #6

Few states are going forward with allowing K-12 529 use.

Fact As of February 15, **at least 13 states** have already conformed their law to allow K-12 students to use 529 accounts, with more expected. **New Jersey is the latest state** to join. The few states that have not yet agreed to this allowance, by and large, have legislation pending to change their state law to allow it, including Wisconsin, Alabama, Illinois, and Iowa.

Myth #7

All this may be true, but it's safer to stick with the status quo and not allow 529s for K-12 purposes. Why rock the boat?

Fact Inaction is sometimes the riskiest course of action. States have voiced the concern that if they do not allow K-12 use for funds that parents have saved, while

continued on page 8

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TRANSPORTATION
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STATE'S CAP DEBT
TO NONPUBLIC
SCHOOLS

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TRANSPORTATION
OPTIONS FOR
SPECIAL NEEDS
STUDENTS

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SCHOOLS

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SECURITY
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SCHOOL CHILDREN

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SANCTITY OF
HUMAN LIFE

ACCOMMODATE
KOSHER AND
HALAL FOOD
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PUBLIC SCHOOL

continued from page 7

neighboring states do allow this use, parents may take their money and invest it in other state plans that are more K-12 friendly.

Myth #8

I'd love to help out, but giving a dollar to struggling nonpublic school parents will not help public school parents and will weaken the public school system.

Fact 529 savings can be used by a public school parent who wishes to send her child to a public school in another district, OR wishes to send to a nonpublic school. More fundamentally though, education should never be a zero sum game, with children caught in the crossfire. A strong public and strong nonpublic school system go hand in hand.

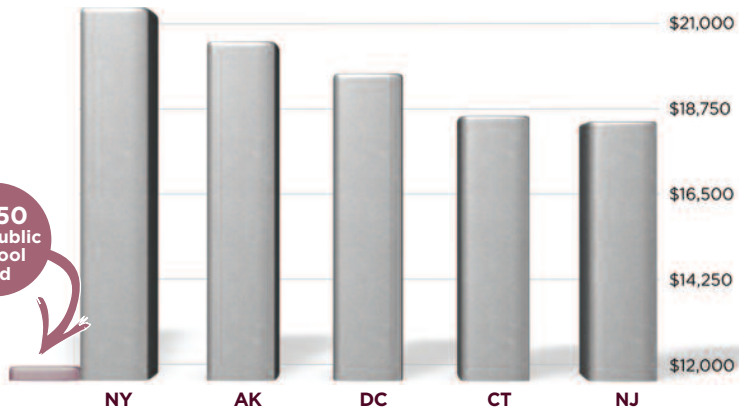
Summary

New Yorkers are already facing tax concerns given the elimination of the SALT deduction at the federal level. Allowing 529 savings to be used for K-12 is not a panacea, and is a far more modest request than those previously made by the nonpublic school community. But it is a start. New York must not block a federal initiative, that will facilitate multiple players assisting working, middle-class parents, at a relatively low cost to the state.

529s: ENABLING AN INFRASTRUCTURE TO SHOULDER THE TUITION BURDEN



LEADING STATES' PER PUPIL PUBLIC SCHOOL EXPENDITURES



ANNUAL SAVINGS TO NYS PUBLIC SCHOOLS DUE TO NONPUBLIC SCHOOL ATTENDANCE



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RESTORE MANDATED IMMUNIZATION RECORDKEEPING REIMBURSEMENT TO ACTUAL COST

The conceptual underpinnings of mandated services reimbursement are clear: governmental mandates, which a nonpublic school performs at the behest of the state, must be reimbursed at the actual cost incurred.

In the case of reimbursement for complying with the immunization mandate for NYC, Buffalo and Rochester, however, the statute (Chapter 903 of the Laws of 1984) reimburses at actual costs, **capped at the original 60 cents per student**. Inexplicably, for over 30 years this law has never been updated or revisited.

Comprehensive polling and financial modeling, conducted by Agudath Israel of 63 schools across NYC, have demonstrated that nonpublic schools have been complying with this mandate at an unreimbursed cost of \$7.7 million for years. Last year, the New York State Legislature studied the issue and agreed to appropriate \$7 million to adequately reimburse this mandate.

This year, for some reason, funding for this state mandate was not found in the budget.

Unless immunization recordkeeping will no longer be required by nonpublic schools, we respectfully request that this funding be **restored to the agreed, equitable rate**.

Further, fair immunization recordkeeping reimbursement ought to be enshrined in law in a manner that this request need not be reiterated, similar to every other mandated services program.



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RESTORE
MANDATED
IMMUNIZATION
RECORDKEEPING
REIMBURSEMENT
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STATE'S CAP
DEBT TO
NONPUBLIC
SCHOOLS

ASSURE
TRANSPORTATION
OPTIONS FOR
SPECIAL NEEDS
STUDENTS

PRESERVE THE
INDEPENDENCE OF
NONPUBLIC
SCHOOLS

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SECURITY
FUNDING:
PROTECT OUR
VULNERABLE
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SCHOOL CHILDREN

PROTECT THE
SANCTITY OF
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PUBLIC SCHOOL

FULLY RETIRE STATE'S CAP DEBT TO NONPUBLIC SCHOOLS

For years, nonpublic schools have carried out the Comprehensive Attendance Program (CAP) state mandate to carefully monitor pupil attendance and related compliance at a rate substantially below the statutorily given actual cost. **Agudath Israel thanks the Legislature and the Governor** for the \$250 million appropriation enacted in June 2015, which retired much of the state's CAP debt by issuing corrected repayment to nonpublic schools for over a decade of CAP services.

There are costs, however, which nonpublic schools have incurred in administering CAP which still await reimbursement. The New York State Education Department has confirmed, in writing, that the 2003-04 school year payment was only paid at **77% of its true rate** due to, "availability of remaining funds," generating a shortfall of \$12.2 million. Moreover, SED has confirmed that, since by law CAP must be paid for the previous year, when in fact it has been paid on a two-year lag, NYS has been delinquent in its payment to nonpublic schools in the amount of approximately \$8 million, for a total shortfall of \$20.2 million. Finally, since payment has only recently been made to schools for services rendered as far back as 2003, in the intervening time some of these schools have closed. We are awaiting figures from SED on payments that were not made to these schools, but by right ought to be made to their succeeding entities for services rendered.



We kindly request that this long-overdue CAP debt, with a known shortfall of \$20.2 million, plus additional nonpayments which have yet to be quantified, be finally and fully put to rest.



ASSURE TRANSPORTATION OPTIONS FOR SPECIAL NEEDS STUDENTS

Special needs children struggle where typical students do not. Moreover, as any parent or family member of a special needs child will tell you, the challenges faced by a special needs child often become challenges borne by the whole family. These children and families **deserve our unmitigated attention and concern to provide whatever tools are at our disposal to help them succeed.**



Before they even arrive at the classroom, special needs children are now at an inequitable disadvantage. While for years, policy has been to provide transportation for special needs students up to 50 miles from their home, of late, **this longstanding precedent is being challenged and denied.** Assembly Bill A.9648 seeks to correct this. Special needs children ought to be assured that they can safely get to and from school; a step backwards in educational progress is not an option.

From bus to briefcase in locker, Agudath Israel requests that New York do its utmost to allow special needs children the transportation means they need and services they are entitled to by law, so they truly can succeed.

PRESERVE THE INDEPENDENCE OF NONPUBLIC SCHOOLS

There is movement afoot to enact a series of highly prescriptive mandates that would severely compromise the ability of religious and independent schools to fashion their own courses of study. These efforts further give the State education Department **unfettered authority** to enforce those mandates, including withholding financial aid from entitled schools, and even forcibly shutting down schools.

Agudath Israel believes in accountability in education, but respectfully opposes this mechanism. This means attaches the, perhaps unintended, consequence of threatening the independence of the nonpublic school sector, and presents an unwarranted infringement upon religious liberty.

Clearly, all children who attend any school should receive a general education sufficient to equip them to become productive members of society. But there must be an allocation of space allowing parents the right to select an educational program that reflects their worldview and educational priorities. This bill would narrow that space considerably, in an effort to ensure “equivalency of instruction” between the public and nonpublic sectors. **New York has a rich tradition of educational diversity and respect for the concept that all New Yorkers are not identical.** We ask that the legislature preserve it.

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TO NONPUBLIC
SCHOOLS

ASSURE
TRANSPORTATION
OPTIONS FOR
SPECIAL NEEDS
STUDENTS

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HUMAN LIFE

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KOSHER AND
HALAL FOOD
REQUESTS IN
PUBLIC SCHOOL



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AND 529 PLANS:
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RECORDKEEPING
REIMBURSEMENT
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STATE'S CAP DEBT
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TRANSPORTATION
OPTIONS FOR
SPECIAL NEEDS
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INCREASE SECURITY FUNDING: PROTECT OUR VULNERABLE NONPUBLIC SCHOOL CHILDREN

It seems our country's collective psyche has little time to catch its breath between horrific tragedies in our schools. Moreover, hate-based crimes are a rising, troubling phenomenon in this country in general, and in New York in particular. Whatever the underlying cause, the explosion of hate crimes and school shootings are a definitive, disturbing trend, showing no signs of abatement. **As faith-based schools, our yeshivos thus feel doubly vulnerable.**



Agudath Israel echoes Governor Andrew Cuomo's sentiment at his February 23, 2017 press conference at the Jewish Heritage Museum, where he proposed an additional \$25 million to fund security measures for at-risk, faith-based schools and, "questioned the depravity of the mind of one who would endanger the lives of young children." We call upon the New York State Legislature to protect the children these depraved individuals wish to target. As United States citizens and as New Yorkers, we condemn these hateful actions.

Last year, the legislature appropriated \$10.5 million for nonpublic school safety equipment. This translates into approximately \$30 per child. While this is a step in the right direction, the current, troubling climate clearly calls for bolder action.

In neighboring New Jersey, for example, we note that the legislature approved a \$50 per child allocation for security and safety purposes, with \$75 per student allocated in next year's budget.

We do not need a long memory to recognize that the Empire State offers unparalleled appeal and opportunity for terror in the minds of those who seek maximal harm and notoriety. From a security and logistics perspective, **New York nonpublic school students require at least the equivalent level of security funding as that afforded to their New Jersey counterparts**, and we call upon the New York State Legislature to stand with us in that conviction to make it a reality.



PROTECT THE SANCTITY OF HUMAN LIFE

Agudath Israel is strongly opposed to any bill that grants doctors the power to assist patients in taking their own lives. Jewish tradition teaches that **all human life is sacred**, and we believe that laws that undermine the sanctity of human life send a message that is profoundly **dangerous for all of society**.

It is another principle of Jewish law and ethics that a doctor's role is to provide healing, not to hasten death. Doctors who assist in the commission of suicide, even when motivated by the most humane of concerns, exceed the bounds of their own Hippocratic mandate and undermine public confidence in the medical profession. **Agudath Israel views with considerable alarm the transformation of the physician's calling** envisioned by the bill in question, which would enable doctors to provide suicide medication to patients.

The bill under consideration reflects a dangerous departure from the recognition of life's inherent sanctity and presents a stark challenge to our nation's social morals.

Furthermore, the **potential abuses** of legalizing suicide have been well catalogued by a host of legal and medical observers, including the **New York State Task Force on Life and the Law**. We concur with the Task Force's observation that, "as a society, we have better ways to give people greater control and relief from suffering than by making it easier for patients to commit suicide or to obtain a lethal injection."

We urge the New York State Legislature to reject a bill that legalizes physician assisted suicide.

ACCOMMODATE KOSHER AND HALAL FOOD REQUESTS IN PUBLIC SCHOOL

In New York there are thousands of Jewish children attending public schools, many from observant families, including large numbers of immigrants who cannot afford private education. As these children eat kosher food, they cannot partake in school lunch.

Agudath Israel supports a bill providing kosher or halal food options to students in public schools requesting them.

While public schools provide healthy and nutritious food, these students may go without eating and throw away lunches that do not meet their religious food requirements. Offering students additional food options, including **halal, kosher, and vegetarian food options** not only accommodates their dietary restriction but also enhances students' **awareness and respect for diversity** in cultures, religions, and ethnicities.

No child should have to choose between their religion and a healthy, nutritious lunch.

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STATE'S CAP DEBT
TO NONPUBLIC
SCHOOLS

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TRANSPORTATION
OPTIONS FOR
SPECIAL NEEDS
STUDENTS

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SCHOOLS

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NONPUBLIC
SCHOOL CHILDREN

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SANCTITY OF
HUMAN LIFE

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KOSHER AND
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PUBLIC SCHOOL



AGUDATH ISRAEL OF AMERICA

is a 95-year-old national organization which represents Orthodox Jewish communities throughout the United States. Agudath Israel serves and advocates on behalf of Jewish schools, social service and health care needs, religious liberty and an array of other pertinent issues.

In 2012, Agudath Israel sponsored the Siyum HaShas, which brought together 90,000 Jews to MetLife stadium while an additional 50,000 tuned in via broadcast in 120 locations worldwide.

The next such event, expected to be even larger, is scheduled for January 2020.

The Siyum Hashas celebrates the completion of a 7.5 year, worldwide, Talmud study program.



The **OFFICE OF GOVERNMENT AFFAIRS** and its staff of attorneys works to safeguard religious and civil rights of observant Jews through a variety of channels including an Agudath Israel Washington Office and

- 8 regional offices.
- Active government advocacy in more than 25 states.
- Representation in 34 states.

The **EDUCATION AFFAIRS DEPARTMENT** at Agudath Israel of America advocates on behalf of Orthodox Jewish schools. Through a series of workshops, webinars, seminars and newsletters, the division helps Jewish schools navigate the maze of applicable laws, regulations and governments sponsored programs. The organization serves as a liaison between the schools and the local, state and federal governments.

- Represents the interests of more than 750 elementary and secondary schools nationwide under the umbrella of the National Society for Hebrew Day Schools, including approximately 408 yeshivos located in New York State.
- Advocates on behalf of over 260,000 students nationwide, including over 150,000 students enrolled in New York State schools.
- Sent out a total of 89 informational memos to yeshiva principals and administrators in New York City and 51 memos across the state in the 2016-2017 school year.
- Arranges workshops and webinars relating to government regulations that pertain to nonpublic schools, as well as government programs for which they are eligible to apply
- Responds to numerous daily calls from principals and administrators, answering questions on a wide range of issues.



PROJECT LEARN, the special education division of Agudath Israel of America, advocates on behalf of children with special needs and assists parents who are dealing with the full range of the special education needs of their children. Project LEARN is also involved in special education legislation, activism, and advocacy.

Agudath Israel's **LEGAL SUPPORT SERVICES LLC** is a network of lawyers who volunteer their time and skills to assist with individual cases that meet the organization's criteria. These include immigration related problems, Sabbath and holiday observance issues, and zoning issues which affect Jewish institutions.



The **CONSTITUENT SERVICES DEPARTMENT** assisted 6,000 callers last year with a myriad of social services issues.

Agudath Israel of America's **COMMISSION ON SENIOR CITIZENS**

- Sponsors three senior citizens centers in Borough Park, Flatbush and Washington Heights.
- Offers 820 elderly senior citizens free, kosher hot lunches and a wide range of social services.





COPE AND PROFESSIONAL CAREER SERVICES (PCS), with offices in both New York and New Jersey, provide training, job readiness and career placement for young men and women.

- The New York office served more than 350 people
- More than 90% of COPE graduates find jobs in their field
- Junior Accounting Program: 172 students enrolled in 2017; over 2,500 total since inception
- CPA Track Program: more than 110 students enrolled in 2017; over 700 total since inception

ADULT EDUCATION AND LITERACY SERVICES provides assistance to hundreds of immigrants every year by offering English language courses, preparing participants for employment.

SOUTHERN BROOKLYN COMMUNITY ORGANIZATION is committed to helping low and moderate-income residents obtain and maintain affordable housing. It also provides a broad spectrum of housing services to strengthen the viability and quality of life in Brooklyn neighborhoods.

- Serves 300 clients annually



PIRCHEI AGUDATH ISRAEL OF AMERICA is a national youth group program of Agudath Israel of America.

- 20,000 participants ranging from Pre-K – 8th grade.
- 2,500 children in New York State
- 115 branches nationwide

BNOS AGUDATH ISRAEL OF AMERICA is an afterschool youth program for Orthodox Jewish girls.

- 38 cities
- 130 branches
- 100 advisors
- 200 branch leaders
- 1,000 leaders
- 20,000 participants
- 300 Bnos 1 on 1 pairs



Agudath Israel's **CAMP DIVISION** provides a wholesome summer experience for thousands of children.

- 4 campuses in New York State which service 7 camps and 2,500 campers
- 5 campuses in the Midwest which service 9 camps and 1,700 campers





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