

Response to the Governor's FY 2020 Executive Budget

On Tuesday January 15, 2019, Governor Cuomo gave his 2019 State of the State address outlining his “Justice Agenda” and releasing his Executive Budget for 2020. As advocates for children across New York State, we appreciate the many new proposed investments that intend to better support young people and their communities. We also understand that there is much to be done this year to ensure equitable life chances for the children of New York most impacted by issues of youth justice, education, health, poverty and immigration and we are more committed than ever to the work ahead.

Areas of Alignment with the Governor's Justice Agenda

Youth Justice

- The Governor's proposed budget raises the State's commitment to Raise the Age by increasing State support for local implementation to \$200 million. This includes essential funding for a continuum of services, including prevention, diversion, and treatment to help keep youth in their communities as the law's application expands from sixteen year olds to include seventeen year olds later this year.

Education Justice

- For school districts with high suspension rates, the Governor proposes \$3 million for support programs that train teachers and school leaders in alternatives to student suspension or expulsion, such as restorative justice. This proposed investment supports our goal to address the reliance on suspensions and promote restorative practices in schools across New York State.
- The Governor proposes \$1.5 million to create enhanced mental health and school climate support grants for middle schools and junior high schools, to be used to provide wrap-around mental health services and improve school climate. Investing in student wellbeing and addressing student mental health continues to be a top priority in our school climate reform efforts.
- The Governor proposes to amend the education law so that every school shall clearly delegate the role of school discipline to the school administration and define the roles and areas of responsibility of security personnel and law enforcement in school. Potentially bolstering our many years of reform efforts in New York City, the amendments would move school districts or charter schools that contract with law enforcement entities to establish a written contract or memorandum of understanding that is developed with stakeholder input.

Lead Poisoning Prevention

- Lead poisoning is a completely preventable, but irreversible condition with lifelong impacts. Even low-level exposure can cause permanent neurological damage and behavioral disorders. CDF-NY applauds the Governor's proposal to lower the definition of “elevated blood lead level” to 5 micrograms per deciliter. This will allow state and local governments to protect more children from harm. CDF-NY also applauds the addition of \$9.4M to the budget for the state and local lead poisoning prevention programs.

Early Intervention Services

- Reimbursement rates for early intervention (EI) services have remained stagnant since drastic cuts were made in 2011, forcing experienced, high-quality EI providers to close their doors or stop taking EI clients. This means children have less access to quality services, or face waitlists. At this time, the Governor's proposed budget increases provider rates by 5% and streamlines the early intervention evaluation process. The budget remains unclear as to whether the streamlined evaluation process is different than the process implemented in new early intervention regulations adopted in 2019. The state budget should also include a cost study to determine appropriate future payment rates.

Areas for Further Discussion and Advocacy

Immigration

- Over 400,000 New Yorkers cannot obtain coverage because of their immigration status. Without coverage, individuals forego the care they need, jeopardizing their health and ability to work and care for their families. The State can provide coverage to a portion of these individuals by allocating \$532M to create a state-funded Essential Plan for New Yorkers excluded from coverage due to immigration status. Despite making an inauguration speech on Ellis Island filled with rhetoric in support of immigrant New Yorkers, the Governor's budget takes no meaningful action on improving health services for immigrants who face significant barriers to our current health system because of their immigration status. California Governor Gavin Newsom recently announced a proposal to provide coverage regardless of immigration status. Governor Cuomo is missing an opportunity to make New York a leader and do the same.

Youth Justice

- The Governor's proposal does not end prosecution of children under 12. Children as young as 7 years old are currently arrested and processed as juvenile delinquents in Family Court. Very young children who are coming into contact with the police should be provided intensive services within the context of their family and community through the social services system. The State must increase the minimum age of juvenile delinquency jurisdiction to 12.
- The Governor's proposal does not expand Youthful Offender protections for older youth. New York's Youthful Offender ("YO") law provides the opportunity for youth under the age of 19 to have a criminal conviction substituted with a non-criminal adjudication at sentencing. Expanding YO eligibility to young adults aged 19 and older reflects the scientific consensus around youth development, and would shield many from the worst harms of contact with the criminal justice system, including lengthy incarceration and lifelong, while opening doors for employment, education and housing.
- The Governor's proposal does not end adult correctional involvement in facilities for youth under Raise the Age. When 16 and 17 year olds must be detained or otherwise incarcerated, they should be held in juvenile facilities without adult corrections involvement or oversight. Placing operation and oversight of facilities for detained or sentenced youth completely under the authority of the Office of Children and Family Services recognizes that agency already successfully serves youth who commit a full range of criminal acts in OCFS facilities up to age 21.
- The Governor's proposal does not restore State support for New York City's Close to Home program. This resulted in a loss of more than \$30 million to the City. The City has already spent more than \$260 million on capital improvements and programming for Raise the Age. Implementation of Raise the Age has made Close to Home even more essential, as it expands to serve additional youth.
- The Governor's proposal does not increase State support for local child welfare/juvenile justice preventative services, which have been diminished over the last decade from 65% State share as codified in State statute to 62% in current policy. In New York City alone, this resulted in a cut of \$19 million during City FY 2018. To meet the needs of youth at risk for, or who have contact with the justice system, the State must increase its investments in local, community-based resources for vulnerable children.
- The Governor's proposal does not increase funding for youth justice services that are independent of Raise the Age through the Supervision and Treatment Services for Juveniles Program (STSJP) program, support for which has remained flat over recent years. To strengthen our local continuum of juvenile justice services requires State investment.

Education Justice

- We are encouraged by the Governor's stated goal of ending the school to prison pipeline in New York State, and we ask that the Governor take the obvious next step to pass the Judge Judith S. Kaye Safe and Supportive Schools Bill (S767) and continue to grow investments in school climate and positive student supports.

Health Access

- The Governor's proposed budget fails to improve funding for health coverage enrollment assistance and outreach. Funding for outreach and enrollment assistance is critical, as around 1 million New Yorkers are uninsured, and over 100,000 of those individuals are children. Most of the children are eligible for coverage, but families are unaware of free or affordable coverage options. Accordingly, the Governor should amend the proposed budget to:
 - Increase the navigator budget from \$27.2M to \$32M to guarantee high-quality enrollment services. Navigators provide local, in-person assistance to families looking for health coverage, including Medicaid and Children's Health Insurance Program (CHIP) plans. Navigators answer questions about confusing terms and complicated enrollment procedures. Navigators have helped over 300,000 New Yorkers enroll since 2013, without ever receiving a cost-of-living increase. With better funding, Navigators can help more children and families gain coverage.
 - Provide \$2M for community-based organizations to provide outreach and education on coverage options in the hardest-to reach communities across the state. This work is particularly important in immigrant communities where people are living in fear and uncertainty because of federal threats like public charge.
- School-based health centers (SBHCs) provide critical services to students in medically underserved communities across the state, improving educational outcomes for those who would otherwise miss school or forego care. The Governor's proposed budget maintains funding at the level in last year's proposed budget. However, \$5M in permanent funding is needed to restore the cuts from FY2018 and provide financial stability.

Lead Poisoning Prevention

- Current funding to eliminate lead hazards is insufficient. Additional, targeted funding streams are necessary to address housing units currently occupied or likely to become occupied by young, low-income children. Several states now fund this work through Medicaid and CHIP. Funding inspections, remediation and abatement through Medicaid and CHIP will allow the State to receive federal matching funds to help eliminate lead poisoning.

Income Security

- The Governor's budget makes no improvements to the Empire State Tax Credit or the Earned Income Tax Credit. New York families still face rising costs of raising children, and difficulties working and paying for their needs. The State should alleviate this burden by expanding the Empire State Child Tax Credit to cover children under four, and double the credit for young children. The State should also increase the percentage of the federal Earned Income Tax Credit paid to families from 30% to 40% and expand the credit to young adults (under 25) without children.

Child Welfare

- The Governor's proposal does not restore funding to the foster care block grant that was cut in 2018. These reductions have resulted in \$81 million statewide, including \$62 million in cuts to NYC.
- The Governor's proposal does not create a separate funding stream for KinGAP, the program that permits children to leave foster care and live with relatives with a state subsidy. By continuing to force communities to use their foster care block grant funds for KinGAP, New York will continue to underutilize this essential path for children's permanency.