

CDF-NY Priorities in the New York State FY2020 Final Budget

On April 1, 2019, the New York Legislature adopted the Fiscal Year (FY) 2020 final state budget. The final budget includes \$175.5 billion in spending. As advocates for children across New York, we have examined how the final budget impacts children and families, with a focus on youth justice, child welfare, education, health and immigration. We have also identified areas for further advocacy.

Areas of Alignment with the Final Budget

Youth Justice

- The final budget raised the State's commitment to Raise the Age (RTA) by increasing State support for the law's implementation to \$200 million. This support includes resources for local 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. Funding continues to be subject to the state tax cap, which makes New York City ineligible for most RTA implementation funds.
- As the result of coordinated advocacy, the final budget includes significant changes to the initial proposal for Person in Need of Supervision (PINS) reform. As of January 1, 2020, PINS youth will no longer be subject to non-secure detention, there will be limits imposed on the length of placement, and youth cannot be removed from their homes based solely on allegations of truancy. The final law preserves access to foster care placement for youth where the family court finds it is necessary, and ensures that counties have access to uncapped child welfare dollars to help support prevention and diversion services for youth and families.
- We also celebrate the agreements reached on broad criminal justice reform that benefit youth who remain in the adult criminal justice system. The final budget, which eliminates money bail for most misdemeanor and low-level felony charges, requires that prosecutors turn over all evidence more quickly, and addresses some barriers to speedy trial, continue to move New York's youth justice system forward on its path of reform.

Education Justice

- The enacted budget amends the education law so that every school employing, contracting with, or retaining law enforcement personnel establishes a written contract or memorandum of understanding. Such agreements are required to clearly delegate the role of school discipline to the school administration, and offer an exciting step toward meaningful community participation in school safety reform by encouraging development with stakeholder input, explicitly including parents and students.
- We are encouraged by investments in school climate initiatives, including the restoration of \$2 million for the Supportive Schools Grant Program to help districts improve school climate and implement the Dignity for All Students Act, an act that seeks to provide public school students with a supportive environment. This funding is in addition to \$1.5 million for mental health grants for junior high schools.

Health

- The FY2020 budget legislation lowers 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. To help lead poisoning prevention programs across the state implement this change, the budget adds \$9.4M. The New York State Association of County Health Officials (NYSACHO) estimates that \$34.5M is needed to fully

implement the change. This year's budget also changes the mechanism used to fund inspections of school water systems for lead hazards.

- The FY2020 budget increases reimbursement rates for early intervention services (EI) for the first time since drastic cuts were made in 2010 and 2011. The rate increases are limited to physical, occupational and speech therapy services—rather than all providers and all services. The Department of Health is implementing the rate increases administratively. While this action is accounted for in the total overall budget, specific funding amounts are not identified in legislation. CDF-NY will continue to closely monitor implementation of the rate increases to determine its overall impact.
- School-based health centers (SBHCs) provide critical services to students in medically underserved communities across the state. For the first time in several years, SBHCs were held harmless in the Governor's proposed budget. However, a total of \$5M was needed to restore the cuts from prior years. This year, the Senate and Assembly restored \$3.8M of the cuts, adding to the \$17M in funding proposed by the Governor. The \$20.8M total in non-Medicaid funds is the same level of funding SBHCs received in the budget last year.

Immigration

- This year's budget provides \$27M to fund the Jose R. Peralta DREAM Act. The Act allows eligible undocumented immigrants and children of undocumented immigrants to receive state scholarships, tuition assistance and financial aid. The law also allows individuals with a taxpayer identification number participate in the New York State College Savings Program to help undocumented family members save for higher education, and establishes a new fund to raise private dollars for scholarships and supplemental financial assistance.

Areas for Further Advocacy

Youth Justice and Child Welfare

- The final budget did not restore State support for New York City's Close to Home program. New York City remains responsible for all costs associated with these local youth placements.
- State support for local child welfare/juvenile justice preventative services remains unchanged; these funds have been diminished over the last decade from 65% State share codified in statute to 62% in current policy. 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.
- Certain legislative changes to the youth justice system were not included in the final budget negotiations, including ending prosecution of children under 12 as juvenile delinquents. Under current law, children as young as 7 years old can be arrested and processed 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.
- New York has the opportunity to lead the nation by creating the strongest and most robust protections for court involved youth age 19-24. Based on research in neuroscience and psychology, we know that human brain development continues into the mid-20s. Young adults are more impulsive and more susceptible to peer pressure than adults. Yet at age 19, youth not only are tried as adults, but face adult sentences and lifelong criminal records that create severe barriers to school, housing and employment. New York should raise the bar by strengthening existing protections under the youthful offender law and creating a new "Young Adult Status" covering youth up to age 24.
- Current law still permits 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.

Education Justice

- We will continue to advocate for long-term, sustainable investments that support schools in implementing restorative practices and improving school climate, as current funding is not sufficient to meet the needs of schools across New York State. At this time we ask that New York take the obvious next step to pass the Judge Judith S. Kaye Safe and Supportive Schools Bill (S767/A1981), that promotes restorative and trauma-informed practices that help and enable young people to feel supported, be present at school and on a path towards graduation.

Health

- 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.
- Funding for health coverage enrollment assistance and outreach remains stagnant in this year's budget. For the past 6 years, funding for health insurance navigators has remained at \$27.2M per year. At the same time, children's coverage rates have plateaued. Additional funding for outreach and enrollment assistance in the coming years will be critical, as around 1 million New Yorkers—including around 100,000 children—remain uninsured.

Immigration

- The adopted budget failed to expand health coverage for New Yorkers who 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.