

NEW YORK STATE ASSEMBLY

2022

Committee On Education

Carl E. Heastie • Speaker
Michael R. Benedetto • Chair



ANNUAL REPORT



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
EDUCATION COMMITTEE

COMMITTEES
Rules
Labor
Ways & Means

MICHAEL BENEDETTO
82nd Assembly District
Bronx County

December 15, 2022

The Honorable Carl E. Heastie, Speaker
New York State Assembly
Legislative Office Building, Room 932
Albany, New York 12248

Dear Speaker Heastie:

I am pleased to submit to you the annual report for the Assembly Standing Committee on Education. It is an honor to serve as the Chair of this Committee and advance education policies that help our students succeed. The work accomplished during the 2022 legislative session demonstrates the Committee's dedication to meeting the diverse and changing needs of our school districts. Thanks to your leadership, the Committee continued to invest in the success of students, teachers, and schools across New York State.

The 2022-23 enacted budget increased funding for General Support for Public Schools (GSPS) by \$2.1 billion for a total of \$31.2 billion for the 2022-23 school year. The budget increased Foundation Aid by \$1.5 billion, for a total of \$21.3 billion and continued a multi-year commitment to fully fund Foundation Aid. In addition, the Legislature increased funding for Universal Prekindergarten by \$375 million over the next three years to expand the number of slots available throughout the state.

In the 2022 legislative session, the Assembly Majority championed important educational measures. After a series of hearings throughout the last three years, the Legislature extended mayoral control of the New York City School District for an additional two years until June 30, 2024, while increasing accountability and parental participation.

As we move forward into the 2023 legislative session, the Committee will continue to ensure the best for all of our students, teachers and staff in the many city, suburban, and rural school districts across the state. On behalf of the Committee, I want to thank you for your support and leadership throughout this legislative session, and I look forward to the 2023 session.

Sincerely,

Michael Benedetto
Chair
Committee on Education

**2022 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON EDUCATION**

Michael Benedetto, Chair

Committee Members

William Magnarelli	Doug Smith, <i>Ranker</i>
Amy Paulin	Mary Beth Walsh
Phil Ramos	David McDonough
Daniel O'Donnell	John Mikulin
Ron Kim	Christopher Friend
Steven Otis	Michael Reilly
Rebecca Seawright	Michael Lawler
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Harry Bronson	
Jo Anne Simon	
Kimberly Jean-Pierre	
Alfred Taylor	
Inez Dickens	
Latoya Joyner	
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Marianne Buttenschon	
William Conrad	
Chantel Jackson	
Marcela Mitaynes	
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Majority Staff

Maria Volpe-McDermott, Assistant Secretary for Program and Policy
Benjamin Decker, Associate Counsel
Steven Rossi, Analyst
Michael Vera, Committee Clerk
Mary Ellen O'Connor, Program and Counsel Executive Secretary

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I. INTRODUCTION

The New York State Constitution states that, “[t]he Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated” (Article 11, Section 1). This constitutional provision establishes the foundation for the areas of responsibility of the Assembly’s Standing Committee on Education.

The Committee is responsible for overseeing educational policies and programs affecting prekindergarten, elementary, and secondary education for approximately 3.2 million children attending both public and nonpublic schools. Within New York State, there are more than 700 school districts, including the nation’s largest, the New York City School District, which enrolls over 1 million students. In addition, 37 Boards of Cooperative Educational Services (BOCES) provide occupational education, shared services, special education, and academic programs on a regional basis. The Committee also participates in the process for selecting persons to serve on the New York State Board of Regents.

The Committee works diligently to ensure that the public schools of this large and diverse state provide the range of opportunities that all students need to fulfill their potential. The Committee supports equitable funding and strengthening the quality of public education in the state.

During the 2022 Session, 555 bills were referred to the Education Committee. The Education Committee has broad jurisdiction over all aspects of public education. This report provides a detailed examination of the Committee’s budgetary and legislative achievements in 2022.

II. COMMITTEE ACTIVITIES AND ACHIEVEMENTS

A. STATE BUDGET HIGHLIGHTS

The Legislature accepted the Executive's budget proposal to increase funding for General Support for Public Schools (GSPS) by \$2.1 billion, for a total of \$31.2 billion for the 2022-23 school year. This is an increase in formula-based aids of \$1.5 billion, or 7 percent, over the 2021-22 school year. This increase in GSPS funding provided a \$1.5 billion increase in Foundation Aid, for a total of \$21.3 billion for the 2022-23 school year. The Legislature also maintained expense-based aids, allowing them to run at their present law level.

The following summary provides a brief description of the State Budget:

Foundation Aid

The Foundation Aid formula was established in the 2007-08 school year and acts as a mechanism to ensure that educational resources are distributed to school districts in a comprehensive and equitable manner pursuant to the New York State Court of Appeal's Campaign for Fiscal Equity decision. The formula is based on the average cost of educating students in successful schools, and is adjusted for regional cost differences, poverty levels, pupils with limited English proficiency, and special education needs. In addition, the formula is based on enrollment rather than attendance.

The Legislature increased Foundation Aid by \$1.5 billion for the 2022-23 school year, for a total of \$21.3 billion. This is the second year of a three-year commitment to fully fund Foundation Aid.

The Legislature required school districts that are receiving a Foundation Aid increase of over 10 percent or \$10 million to update and submit their plans to the State Education Department (SED) on how the district will use these funds to address student performance and need.

Early Childhood Education

The Legislature increased Universal Prekindergarten (UPK) funding for the 2022-23 school year by \$125 million, for a total of \$1.1 billion. Of this funding, \$100 million would fund new UPK slots at the current program level, and \$25 million would fund a request for proposal process to pay \$10,000 per UPK slot. Over the next two years, an additional \$250 million would be allocated for UPK, increasing the state's investment in UPK by \$375 million over three years.

The Legislature authorized school districts to annually apply to the Commissioner of Education for a waiver that would allow personnel, employed by an eligible agency that is collaborating with a district to provide prekindergarten services and licensed by an agency other than SED, to meet staff qualifications prescribed by the licensing or registering agency. The Commissioner would be required to annually submit a report to the Legislature and Director of the Budget on the districts receiving a waiver.

Grant Programs

The Legislature modified the Executive's Recover from COVID Schools (RECOVS) grant program, which provides \$100 million over two years, to allow boards of cooperative educational services (BOCES) to be eligible and to expand the allowable sources of matching funds beyond federal pandemic relief funds. School districts and BOCES may use this funding to help create or expand summer learning, after-school, or extended-day/year programs, as well as hire mental health professionals and expand evidence-based mental health services for students and staff, including school-based services.

Teacher Programs

The Legislature increased funding for Teacher Resources and Computer Training Centers by \$7.1 million, for a total of \$21.4 million.

The Legislature accepted the Executive's proposal to increase the National Board for Professional Teaching Standards Certification grant program by \$184,000, for a total of \$368,000.

The Legislature restored \$475,000 for the Executive Leadership Institute.

The Legislature accepted the Executive's proposal to provide \$30 million for a teacher residency program and \$10 million for the expansion of alternative teacher certifications funded under the Urban Development Corporation.

The Legislature rejected the Executive's proposal to authorize teachers and other school personnel with an expired certification, who are otherwise qualified to hold such a certification, to be employed in a school district until June 30, 2024.

The Legislature rejected the Executive's proposal to require the SED to issue temporary professional permits to teachers and other school professionals while their certification was pending approval from the Department.

Special Education

The Legislature accepted the Executive's proposal to maintain funding for the following schools: the Henry Viscardi School (\$903,000), the New York School for the Deaf (\$903,000), the Mill Neck Manor School for the Deaf (\$500,000), and the Cleary School for the Deaf (\$500,000).

The Legislature increased funding for 4201 schools by \$2 million, for a total of \$107 million.

The Legislature accepted the Executive's proposal to provide \$3.2 million in capital funding for the Batavia School for the Blind and \$1.8 million in capital funding for the Rome School for the Deaf.

The Legislature accepted the Executive's proposal to administratively provide a cost-of-living adjustment (COLA) of 11 percent for the 2022-23 school year tuition rates, which would increase providers' annual funding by more than \$240 million.

The Legislature authorized special education providers to retain an 11 percent surplus in the 2022-2023 through the 2024-2025 school years to ensure that providers could benefit from the 11 percent COLA.

Additionally, the Executive has committed to hold rates harmless for providers that spend their allowable rate.

The Legislature accepted the Executive's proposal to increase funding for Independent Living Centers by \$1.6 million, for a total of \$16 million.

Bilingual Education

The Legislature provided \$18.5 million for bilingual education.

The Legislature restored \$385,000 in funding for training programs to increase the number of teachers providing bilingual or multilingual education.

BOCES Aid

The Legislature provided funding for BOCES Aid at its present law level of \$1.1 billion.

Special Services Aid

The Legislature provided funding for Special Services Aid at its present law level of \$250.5 million.

Building Aid

The Legislature provided funding for Building Aid at its present law level of \$3.3 billion.

The Legislature modified the Executive's proposal related to building aid penalty forgiveness to make technical changes.

The Legislature accepted the Executive's proposal to allow New York State Energy Research and Development Authority (NYSERDA) grants for energy efficiency to be counted toward the local share of school construction projects without impacting the Building Aid due to a district.

Transportation Aid

The Legislature provided funding for Transportation Aid at its present law level of \$2.3 billion.

The Legislature provided funding for Summer Transportation Aid at its present law level of \$5 million.

The Legislature provided an additional \$2.5 million for the Transportation After 4 program, for a total of \$31.4 million.

The Legislature modified the Executive's proposal related to transportation aid penalty forgiveness to expand the errors that can be forgiven by the Commissioner of Education.

The Legislature authorized electric school bus charging stations and hydrogen refueling stations to be eligible capital expenses under Transportation Aid. Additionally, electricity and hydrogen would be reimbursable in the same manner as fuel under Transportation Aid.

The Legislature accepted the Executive's proposal to authorize school districts to submit transportation contracts to the SED via an approved electronic form.

High Tax Aid

The Legislature provided funding for High Tax Aid at \$223.3 million.

Nonpublic School Aid

The Legislature provided an additional \$1.9 million for Nonpublic School Aid, for a total of \$195.1 million.

The Legislature provided \$58 million for nonpublic schools to hire Science, Technology, Engineering and Math (STEM) teachers, an increase of \$18 million from last year.

The Legislature restored \$1 million for nonpublic schools for additional costs of complying with immunization requirements.

The Legislature maintained \$922,000 for Academic Intervention Services.

The Legislature accepted the Executive's proposal to increase capital funding for health and safety projects at nonpublic schools by \$30 million, for a total of \$45 million. The use of these funds was expanded to include repair and maintenance of nonpublic school facilities.

The Legislature accepted the Executive's proposal to increase funding for the Office of Religious and Independent School by \$657,000, for a total of \$1.5 million.

Charter Schools

The Legislature accepts the Executive's proposal to increase the state reimbursement to school districts for Supplemental Charter School Basic Tuition by \$52 million, for a total of \$185 million.

The Legislature accepts the Executive's proposal to increase charter schools' facilities aid by \$48.5 million, for a total of \$100 million.

Miscellaneous Aid

The Legislature accepted the Executive's proposal to increase Aid to Educational Television and Radio by \$7.8 million, for a total of \$21.8 million.

The Legislature restored \$1.2 million for the Buffalo City School District Health Services Grant.

The Legislature restored \$1.2 million for the Rochester City School District Health Services Grants.

The Legislature restored \$650,000 for NYC Kids RISE.

The Legislature restored \$500,000 for the Teacher Diversity Pipeline Pilot Program.

The Legislature restored \$500,000 for the Long Island Pre-K Initiative.

The Legislature restored \$475,000 for the Magellan Foundation.

The Legislature restored \$461,000 for the Bard Early College High School Program.

The Legislature restored \$450,000 for NYC Community Learning Schools.

The Legislature restored \$385,000 for the Bilingual Teacher Institute.

The Legislature restored \$225,000 for the East Ramapo Central School District monitor.

The Legislature restored \$175,000 for the Rochester City School District monitor.

The Legislature restored \$175,000 for the Hempstead Union Free School District monitor.

The Legislature restored \$175,000 for the Wyandanch Union Free School District monitor.

The Legislature restored \$100,000 for Educators for Student Success.

The Legislature restored \$40,000 for Long Island Latino Teachers Association.

The Legislature provided \$4 million for a Tax Certiorari Fund.

The Legislature provided \$1.5 million for Adult Literacy Education, for a total of \$9.3 million.

The Legislature provided \$1.3 million for implicit bias training.

The Legislature provided \$180,000 for the Garrison Union Free School District.

The Legislature provided \$150,000 for the Saint Francis de Sales School.

The Legislature provided \$150,000 for a fiscal consultant for the Rochester City School District.

Miscellaneous Article VIIs

The Legislature accepted the Executive's proposal to make permanent the Rochester City School District's authority to purchase health and medical services from the Monroe 2-Orleans BOCES.

The Legislature modified the Executive's proposal to require all newly purchased or leased school buses be zero-emission by July 1, 2027, and all school buses in operation be zero-emission by July 1, 2035, to: allow school districts to apply to SED for an extension of up to 24 months to comply with the July 1, 2027 mandate and to include provisions related to employee protections, prevailing wage, a workforce development report, Buy American standards, and requiring NYSERDA to establish a zero-emission public transportation system and school bus roadmap.

The Legislature rejected the Executive's proposal that would have transferred the administration of the National School Lunch Program and related programs from SED to the Department of Agriculture and Markets. Instead, the administration of the Farm to School Initiative was transferred from SED to the Department of Agriculture and Markets.

The Legislature required every local educational agency receiving federal funding from the Elementary and Secondary School Emergency Relief Fund to update and submit their plans to SED on how they will use this funding.

B. BUDGET AND OPERATIONS

A.6210-B, Lavine; Passed the Assembly: This bill would allow the North Shore Central School District to establish a tax certiorari stabilization reserve fund to prevent a decrease in revenue or taxes and/or significant shift in tax liability to the taxpayers due to the settlement between Nassau County and LIPA regarding the Glenwood Landing Power Plant.

A.8295, Salka; Chapter 251 of the Laws of 2022: This law authorizes the Canastota Central School District to establish a health insurance reserve fund.

A.8706, Jean-Pierre; Chapter 26 of the Laws of 2022: This law is a chapter amendment to clarify that school districts that are not the district of location providing credit bearing educational programming to students in juvenile justice facilities shall be responsible for issuing a high school diploma.

A.9146, Otis; Chapter 196 of the Laws of 2022: This law extends, until June 30, 2025, a provision of law regarding the disposal of surplus computer equipment by political subdivisions.

A.9795, Friend; Chapter 338 of the Laws of 2022: This law authorizes the Candor Central School District to establish a health insurance reserve fund.

A.9878, Conrad; Chapter 796 of the Laws of 2022: This law provides that any lottery winnings in excess of twenty-five percent of a school district’s adjusted gross income shall be excluded from such district’s adjusted gross income for the year.

A.9988, McDonald; Delivered to the Secretary of State: This bill is a constitutional amendment to remove the five percent debt limit currently imposed on small city school districts.

A.10498, De Los Santos; Chapter 556 of the Laws of 2022: This law requires the New York City School District Chancellor and teacher and principal unions to approve a class size reduction plan with actual class size targets that must be met for all classes by September 2027. The law also requires the Commissioner of Education to annually determine if the New York City School District is demonstrating sufficient decreases in class size.

C. DISCIPLINE

A.7531, Gunther; Passed the Assembly: This bill would allow boards of education, superintendents, and principals to condition a student’s early return to school on the student's voluntary participation in counseling or specialized classes.

A.7981, Reyes; Chapter 181 of the Laws of 2022: This law removes the term “incorrigible” from certain sections of the education law.

D. ELECTIONS

A.9025, Bronson; Chapter 172 of the Laws of 2022: This law extends, for one year, provisions of law authorizing a qualified voter to request an absentee ballot for school district elections if there is a risk of contracting or spreading a disease that may cause illness to the voter or to other members of the public.

E. GOVERNANCE

A.10499, Benedetto; Chapter 364 of the Laws of 2022: This law extends the provisions of law related to mayoral control of the New York City School District for an additional two years until June 30, 2024. This law changes the Panel for Education Policy (PEP) to: expand membership from fifteen to twenty-three members, add the New York City Comptroller as an ex-officio non-voting member, include term limits for all members, increase the number of parents the mayor must appoint, require financial and accountability training for all members, and provide that a member may only be removed for good cause. This law also expands the Community Education Council (CEC), and allows the CEC to review final superintendent candidates and provide recommendations to the Chancellor. In addition, the law codifies the District 75 Citywide Education Council in law, requires each public school to have a parent coordinator, and requires the Commissioner of Education to conduct a comprehensive review and assessment of the overall effectiveness of New York City’s school governance system by December 1, 2023.

F. HEALTH AND SAFETY

A.1874-C, Jean-Pierre; Chapter 553 of the Laws of 2022: This law requires private food service management companies to disclose ingredient lists and nutritional information for all the meals they provide school districts.

A.8425, Burke; Chapter 617 of the Laws of 2022: This law requires nonpublic schools to follow the same rules and regulations as public schools when a student suffers a concussion.

A.9534-A, Stirpe; Chapter 519 of the Laws of 2022: This law allows a teacher or person who is unable to complete a first aid knowledge and skills course due to a physical disability to coach high school sports if there is another teacher or person employed by the school who holds such certification present at all times during practices, scrimmages, and competition.

A.10018, Zebrowski; Chapter 227 of the Laws of 2022: This law requires school district-wide and building-level safety teams to consider the installation of panic alarm systems when reviewing their district-wide safety plans and when establishing internal and external communication systems as part of their building level emergency response plan.

G. INSTRUCTION

A.472-C, Rozic; Chapter 490 of the Laws of 2022: This law authorizes and directs the Commissioner of Education to conduct a survey regarding instruction on the Holocaust within the state.

H. NONPUBLIC SCHOOLS

A.8023-A, Benedetto; Passed the Assembly: This bill would require the Commissioner of Education to conduct a study on all nonpublic schools incorporated in this state. It would also provide that a nonpublic school is compliant with certain state education law requirements if the nonpublic school is accredited by an accrediting agency approved by the Commissioner.

I. SPECIAL EDUCATION

A.2185-B, Carroll; Veto Memo 48: This bill would require the Commissioner of Education to establish a taskforce to examine appropriate and effective evidence-based dyslexia and dysgraphia screening methods, reading interventions and other educational supports for students in kindergarten through grade five.

A.6576-B, Eichenstein; Passed the Assembly: This bill would provide that, in New York City, a student must remain in a school identified in a settlement agreement until there is an intervening pendency-changing event. Pendency payments for tuition would be required to be made prospectively and continue uninterrupted while any appeal is pending. The New York City School District would be required to make reasonable efforts to finalize a settlement for any claim for tuition for 2020 or earlier that remains pending.

A.8540-A, Burdick; Chapter 516 of the Laws of 2022: This law requires school districts to develop a procedure to notify a parent or person in a parental relation of a student with a disability on the same day when certain behavioral interventions are used.

A.8610-A, Abinanti; Chapter 223 of the Laws of 2022: This law provides that a student enrolled in an individualized education program during certain school years may continue to receive educational services until the student completes the services pursuant to the individualized education program or turns twenty-three years old, whichever is sooner.

A.10191, Benedetto; Veto Memo 41: This bill would clarify that 853 schools and Special Act School Districts, for the 2021-22 school year, and 853 schools, 4410 programs, July and August programs for students with disabilities, and Special Act School Districts, for the 2022-23 school year and annually thereafter, could retain funds prior to the reconciliation process.

A.10192, Benedetto; Veto Memo 42: This bill would require tuition and/or fee for service reimbursement rates approved on an interim basis for the 2022-23 school year and annually thereafter for 853 schools, Special Act School Districts, July and August programs for students with disabilities, and 4410 programs and services to include annual growth of the prospective rates.

J. TEACHER AND PRINCIPAL EVALUATIONS AND TENURE

A.9600, Benedetto; Chapter 201 of the Laws of the 2022: This law waives the requirement that school districts conduct annual teacher and principal evaluations for the 2021-22 school year, ensures that state funding is not withheld for not meeting such requirement, and provides that certain teachers and principals who did not receive annual professional performance review (APPR) ratings shall be eligible for tenure if certain qualifications are met.

III. PUBLIC HEARINGS

A. JOINT PUBLIC HEARING ON SCHOOL GOVERNANCE REFORM AND MAYORAL ACCOUNTABILITY OF THE NEW YORK CITY SCHOOL DISTRICT

March 4, 2022
10:00 A.M.
Virtual Hearing

The Assembly Committee on Education convened a joint hearing on the governance of the New York City School District. Chapter 91 of the Laws of 2002 and Chapter 123 of the Laws of 2003 established a centralized, mayoral control system of governance for the New York City School District. In 2019, the Legislature extended the provisions of mayoral control for three years, until June 30, 2022, and included provisions to increase parental involvement on the Panel for Education Policy (PEP) and Community District Education Council (CEC). The purpose of this joint hearing was to comprehensively examine the overall effectiveness of mayoral control of the New York City School District and to hear from stakeholders on the ways to address the inequities in our schools and improve student performance.

The Committee heard testimony from New York City Mayor Eric Adams, New York City Department of Education Chancellor David Banks, New York City Council Member Rita Joseph, presidents of Community District Education Councils and Citywide Education Councils, United Federation of Teachers (UFT), the Council of School Supervisors and Administrators (CSA), teachers, parents, and education advocates. Witnesses discussed both their support and concerns with the current governance structure of the New York City School District. Specifically, witnesses spoke about the lack of meaningful parental involvement and the need to ensure parents are involved in decision making both on the PEP and the CEC. Witnesses also spoke about the need for greater oversight and accountability in the management and operation of the school district.

B. PUBLIC HEARING ON LEARNING LOSS

December 14, 2022
10:00 A.M.
Hearing Room C
Legislative Office Building

The Assembly Committee on Education convened a public hearing on learning loss. After multiple years of disrupted learning due to the COVID-19 pandemic, school districts are facing new challenges in educating students now that they have returned to in-person learning. The purpose of this hearing was to examine student learning loss and the challenges school districts are facing in educating their students.

The Committee heard testimony from the State Education Department (SED), the New York State Council of School Superintendents (NYCOSS), Council of School Supervisors and Administrators (CSA), New York State United Teachers (NYSUT), School Administrators Association of New York State (SAANYS), BOCES of New York State, the Association of Public Broadcasting Stations of New York, and the New York State Council of Catholic School Superintendents.

Witnesses delivered testimony on the challenges school districts are facing in the aftermath of the COVID-19 pandemic including staffing shortages, the need for greater mental health support, and the decrease in academic achievement. Testimony also included strategies that will help schools continue to support those affected by learning loss for years to come.

IV. OUTLOOK 2023

During the next legislative session, the Committee on Education will continue to fight for fair, equal and adequate funding for our schools and ensure that students will be college and career ready upon graduation.

As always, the Committee will strive to advocate for the necessary resources to provide all students of this state with a sound, basic education.

V. SUMMARY SHEET

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 5

	<u>ASSEMBLY</u> <u>BILLS</u>	<u>SENATE</u> <u>BILLS</u>	<u>TOTAL</u> <u>BILLS</u>
BILLS REPORTED FAVORABLE TO:			
Codes	1	0	1
Judiciary	0	0	0
Ways and Means	11	0	11
Rules	1	0	1
Floor	6	0	6
TOTAL	19	0	19

COMMITTEE ACTION			
Held For Consideration	47	0	47
Defeated	0	0	0
Enacting Clause Stricken	16	0	16
REMAINING IN COMMITTEE	523	32	555

BILLS REFERENCE CHANGED TO:			
Judiciary 1			
Ways and Means 1			
TOTAL	2	0	2