



**\*TESTIMONY\***

**New York State School Administrators  
Consortium (NYSSAC)**

**Presented to**

**Assembly Ways & Means Committee**

**&**

**Senate Finance Committee**

**Joint Hearing on  
Education Proposals of the SFY 2012-2013  
Executive Budget**

**January 23, 2012  
Albany, New York**

## Introduction

Good afternoon Chairman Farrell, Chairman DeFrancisco, Assemblymember Nolan and Senator Flanagan. Thank you for this opportunity to offer testimony concerning the education proposals contained in the Executive Budget for fiscal year 2012-2013.

My name is Alithia Rodriguez-Rolon and I am the Assistant Director of Governmental Affairs for the Council of School Supervisors (CSA) and for the New York State Federation of School Administrators (NYSFSA). I represent school administrators working in New York City, Yonkers and Buffalo. With me today is James Viola, Director of Government Relations for the School Administrators Association of New York State (SAANYS). On behalf of our 23,000 members across the state, we thank you for your continued advocacy and support for public education. We also applaud you for recognizing the critical importance of school leadership in our public schools.

The New York State School Administrators Consortium (NYSSAC) is a joint legislative effort between our two associations, NYSFSA and SAANYS. Our membership includes principals, assistant principals, and a broad array of other dedicated administrators who work indefatigably to provide quality education programs and services to their students. The effectiveness of their work is reflected in the January 2012, Education Week - Quality Counts *State of the States Grading* Summary in which New York State received an overall rating that is third in the country; a B rating, the same rating received by Massachusetts. Moreover, in this same evaluation, New York State received an A<sup>-</sup> in regard to Standards, Assessments and Accountability.

In presenting his proposed Executive Budget, in regard to Annual Professional Performance Review procedures, Governor Cuomo indicated that the State Education Department and the teachers' union should resolve their respective differences within 30 days. We wish to point out that although our associations were not a party to either the court action or the development of the Education Law in the first instance, the same evaluation and collective bargaining considerations raised in regard to teacher APPRs are applicable to principal APPRs in equal measure. We remain very interested and willing to establish new and better methods to evaluate principals and teachers in a fair and constructive manner and are available to participate in any discussions in this regard.

At a broader level, in his recent State of the State Address, Governor Cuomo indicated his intention to form an Education Commission to be charged with the development of a report depicting a new blueprint for education. We wish to take this opportunity to say that we are ready, willing and able to participate in such an undertaking to ensure that leadership and student considerations are appropriately addressed across the state -- for urban, suburban and rural school districts.

### **NYSSAC Supports:**

**Foundation Aid Formula** -- While New York State has established an equitable system of standards, assessments and accountability for all school districts and students, NYSSAC believes that state aid supporting education programs and services continues to be allocated inequitably. We support the four percent, \$805 million, increase in state school aid, with a weighted allocation to high need school districts that have been inequitably under-funded in the past. To further promote the equitable allocation of available state aid, it is recommended that the Legislature and the Governor align the Foundation Aid Formula with more current school data to more equitably allocate funds to other school districts, such as the "Big Five" city school districts that serve 40 percent of our state's students.

**Universal Pre-Kindergarten** -- NYSSAC appreciates the ongoing financial support provided for UPK programs. Such programs are an equalizer, instilling in students the orientation, skills, and early learning experiences that serve as the foundation for future success. In fact, quality preschool programs -- especially full-day programs with highly qualified administrators and teachers -- may also result in future cost savings by reducing the incidence of students "at risk" and subsequent referrals to Committees on Special Education.

**Early Childhood Education** -- NYSSAC is committed to working with the Legislature and the Governor to ensure that local and state governments enact strong and smart policies regarding early childhood education. Ultimately, we hope that the state will include early childhood education and day care in the P-16 educational framework in a manner that is truly "universal."

NYSSAC supports legislation sponsored last year by M.A. Nolan and Senator Flanagan (A7591 / S5650-B) to require the Commissioner of the New York State Education Department, in consultation with the Commissioners of the New

York State Department of Health, Office of Children and Family Services and the Office of Temporary and Disability Assistance, to examine, evaluate, and make recommendations concerning the education and development of children from birth through five years of age. The report required under this bill would include recommendations for strengthening the access to and the quality of educational, developmental and family support programs and services at all settings. In particular, it would target programs and services that are provided to children from birth through five years of age.

Early childhood education in New York State is currently provided in a variety of settings, including:

- day care centers
- private homes
- nursery schools
- public schools

The guidelines and regulations governing these activities vary by setting and are overseen by either of a number of state agencies, including the Office of Children and Family Services or the New York State Education Department, leading to disparities in quality and outcomes. New York must correct this fragmentation of services. This bill is the first step needed to create a single early childhood education system – with a focus on providing services to ensure a child’s school readiness regardless of the setting.

Other States – notably Maryland and Massachusetts – have already recognized the importance of early childhood education and reorganized their regulatory and governance structures to focus on early learning by bringing together early care and education programs under a single state agency.

NYSSAC urges the Legislature to include this bill’s provisions as part of the enacted state budget, in order that New York might take the first step toward ensuring that all children in New York State are provided with a strong foundation crucial to their academic success.

In addition, NYSSAC believes that quality full-day early childhood education requires the commitment of adequate funding. NYSSAC estimates that the annual cost of quality full-day programs per child in New York City far exceeds the amount of funding allocated. The city-funded day care centers in which our members work cannot cover their operating expenses at the lower funding level. For this reason, it is recommended that the state better stipulate funding allocations to alleviate these types of issues.

**Paperwork Reduction** – NYSSAC believes that the number of reports, plans, and applications required of school districts on an annual basis is extraordinarily burdensome. Certain reports are of course necessary to ensure school safety and the provision of quality educational services. But virtually all agencies and stakeholders agree that many reports serve no purpose at all and are a waste of time and resources. NYSSAC supports the actions undertaken during the past year by Governor Cuomo and Mr. Lawrence Schwartz to eliminate and streamline such requirements, and we continue to stand ready to work with the Legislature and the State Education Department to identify more efficient procedures for the submission of necessary data and information. Such an initiative is especially timely in light of the additional mandates and reporting required of participating LEAs in connection with the Race to the Top program.

**Funding to Support Regents Examinations and General Educational Development Test Administration** – Students and their guidance counselors plan high school education programs and sequences based on the tri-annual administration of Regents examinations. Cancellation of the Regents examinations in January 2013 would detrimentally impact students by reducing their performance on such examinations (maintaining tests preparedness for five months), reducing the rates of student graduation and graduation with distinction, and increasing the rate of student dropout. Similarly, reducing support for GED testing would curtail employment opportunities for many individuals, and would constitute a significant road block for many students and individuals seeking acceptance to institutions of higher education. We support the allocation of \$7.7 million to implement the above Regents examinations and GED tests.

**Regional Transportation** – NYSSAC believes that school districts should be authorized and provided incentives to contract with other entities, such as school districts, counties and municipalities to provide more efficient student transportation, and to partner together for school bus maintenance.

**Early Retirement Program** – Educators and civil service employees who are at least 55 years of age with 25 or more years of service should be permitted to retire without penalty. This will result in the controlled withdrawal of veteran employees (who will receive a pension less than would be the case if they remained employed), while achieving school district cost savings by hiring a new employee or not replacing the position.

## **NYSSAC Opposes**

The state's investment in education is paying off in closing the achievement gap; in student performance on state assessments; and in improved graduation rates. This momentum must be sustained and the state's enormous investment in public education protected. NYSSAC opposes the following provisions of the proposed Executive Budget that would allocate resources or revise systems and programs in a manner that would have an ultimate negative impact upon students.

### **Reduced State Aid to Public Schools through the Gap Elimination Adjustment**

NYSSAC understands the need to phase-in the Foundation Aid Formula over a greater span of years. However, the Gap Elimination Adjustment functions as an additional and unnecessary procedure that adds complexity of State aid calculations. The GEA should be discontinued as it functions like a tax upon school districts – with the most deleterious impact upon large city school districts and small rural school districts. School districts' reserves are depleted, "one-shot" strategies are exhausted, and the property tax cap is now in effect.

### **School Aid Increase Linked to Teacher and Principal Evaluation System –**

While NYSSAC is pleased with the Governor's Executive Budget increase of four percent in school aid, we oppose the linking of the aid to the implementation of a teacher and principal evaluation system. During the current year, some school districts that failed to reach agreement on an evaluation system have already been sanctioned by the State Education Department and face the loss of School Improvement Grant funding that is vital to providing services and programs to the neediest students. The further withholding of the state aid increase would further penalize schools and students. We urge the Legislature to reject this proposal and allow school districts to resume discussions without the threat of losing funding.

NYSSAC also believes that an important part of any discussion involving the evaluation of education personnel is the evaluation of superintendents and school boards. As the New York State Board of Regents discussed implementation of the new evaluation system this past year, many Regents repeatedly asked the question of how will superintendents and school boards be held accountable. Superintendents play a major role in the success of a school and are responsible for providing support and guidance to the principal as well as ensuring that they have the resources needed for the students. The new evaluation system does not consider or put in place a way to determine whether

or not the school superintendent provided sufficient resources to support improved performance, or whether they supported the authority of the principal to take affirmative action in addressing impediments to improving school performance. While the law establishing the new evaluation system only refers to teachers and principals, we must also address the accountability of superintendents and school boards if we are truly building a system to evaluate and support the development of teachers and principals. NYSSAC continues to urge the New York State Education Department to look at this issue and implement accountability measures applicable to superintendents and school boards.

**Teacher Disciplinary Hearings (§3020-a Procedures)** – NYSSAC vehemently opposes the Governor’s proposal to amend the 3020-a disciplinary hearing process through the establishment of a new payment structure to bring about cost sharing among SED, the local school district and the employees’ bargaining unit, or the employee who is the subject of the hearing. Such a process constitutes a new unfunded mandate for school districts and a financial hardship for bargaining units or for individuals in having to pay for the adjudication of their own prosecution (in addition to their own legal fees). Administrative bargaining units are often comprised of approximately 10 to 12 members, and sometimes as little as two people, with little or no financial resources. Such a funding revision may result in an employee having to forego a full defense in order to reduce personal costs. Conversely, the revision may provide the employer with economic leverage that may be abused. The revision would also raise new issues in regard to such hearings, such as remedies available to employees to recoup costs when they prevail at the hearing. Additionally, there are issues regarding the role of the hearing officer in managing the collection of fees and the consequences of non-payment of the fees.

It is our contention that substantial savings of time and money can be realized by shortening the statute of limitations from three years to one year, and by limiting the number of charges and specifications that may be raised by the school district. Such revisions would result in more focused charges and a lesser need for discovery and witnesses. Savings would also be realized by revising hearing officer compensation rates, from a per-day to per-hour schedule, with the establishment of a maximum hourly rate and a restriction on the maximum number of chargeable study hours. Further savings may be realized through the establishment of speedy trial-like provisions.

**Preschool Special Education Reform** – NYSSAC opposes the proposal to establish a new unfunded mandate for school districts by defraying the preschool special education county costs (for counties outside New York City), by equally assigning any costs above the 2011-12 level to the State, the county and the school district. The Committee on Preschool Special Education is responsible for completing appropriate reviews of children referred due to a suspected disability and for recommending appropriate programs and services for those children determined to have a disability. In large measure this proposal may serve as a tax or punishment for school districts that appropriately complete their responsibilities.

**Forced Consolidation of School Districts** – NYSSAC opposes the establishment of any law that would compel school districts to merge. Such a system would be expected to further politicize education, diminish locally appropriate services, constrain community engagement, and compromise travel safety and school responsiveness in emergency situations.

**Pension Reform** – NYSSAC opposes the establishment of a new Tier VI. Tier V was established in 2009 as a measure to provide new employees with access to a quality and stable pension system while addressing the long-term fiscal concerns of New York State. We feel that the diminution of benefits under the contemplated tier would be substantial and would have a chilling effect of the extent to which the best and the brightest will seek state employment.

#### **NYSSAC Recommendations:**

**Reduction of State and School District Costs for Special Education** – NYS continues to have many requirements in special education that exceed federal mandates. In many cases, NYSSAC believes such requirements may be discontinued or streamlined without any adverse impact upon students or programs. NYSSAC also supports the statutory special education mandates that have been identified by the State Education Department for recommended deletion.

**Scheduling Flexibility** – More than two years ago, the Senate Education Committee held hearings on flexible school schedules. Although not all school districts may desire such an approach, NYSSAC recommends that the state establish a pilot program based upon a school district plan and application that the State Education Department approves. In the current era of reform and innovation, it is time to try a new approach to the traditional school week.



**Utilization of BOCES to Enhance School District Efficiency** – NYSSAC believes that the BOCES system has a long history of providing quality educational, administrative and managerial services in a cost-effective manner. Based on this record of success, SAANYS has long advocated the expanded use of the BOCES model to provide shared services to school districts (including large cities), municipalities, libraries, charter schools and institutions of higher education. The extent and types of services would likely be different from BOCES to BOCES, as it is for school districts.

### **Closing**

The public's tremendous rate (92 percent) of approval of school district budget votes in 2011 is strong evidence that the public sees education as a priority in our State. Just as noteworthy is the very conservative approach used by school districts in developing budgets that minimize tax burdens as much as possible. But education is a "people business", both in terms of our work force and our product: well-educated students. The degree to which education is cut or supported affects us all.

We look forward to working with you to help craft a budget that is fiscally responsible and fair to children. We appreciate all that you and your colleagues do for public education, and we are grateful for this opportunity to share our observations and recommendations.