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**\*TESTIMONY\***

**School Administrators Association  
of  
New York State  
(SAANYS)**

**Presented to  
Assembly Ways & Means Committee  
&  
Senate Finance Committee**

**Joint Hearing on  
Education Proposals of the SFY 2014-2015  
Executive Budget**

**January 28, 2014  
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 2014-2015.

My name is James Viola and I serve as the Director of Government Relations for the School Administrators Association of New York State. SAANYS is the largest professional association of school administrators, with membership exceeding 7,000. On behalf of our principals, assistant principals, supervisors, deans and many others, I 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.

Our school leaders work indefatigably to provide quality education programs and services to their students. The importance of their work is quantified in a study published in the winter 2013 edition of *Education Next*. Researchers found that highly effective principals raise the achievement of a typical student in their schools by between 0.05 and 0.21 standard deviations – equating to two to seven months of additional learning per year. The effectiveness of administrators' work is reflected in continued improvement in the graduation rate published by the State Education Department (74 percent in four years), and 283 schools are listed in the *U.S. News and World Report Best High Schools 2013* rankings – 65 are gold medal schools. Moreover, the January 2014 Education Week - Quality Counts *State of the States Grading Summary*, for a third consecutive year, gives New York State a B rating -- the same rating received by Massachusetts. All this was accomplished against the odds, with historic cuts in fiscal resources cuts to school personnel, instructional personnel and school leaders. Our positive trajectory cannot be sustained without necessary support.

## **State School Aid**

Governor Cuomo proposes a \$807 million (3.8 percent) increase school aid, with \$608 million for formula-based school aid. Most of the allocated increase would be provided through a \$323 million partial restoration of the Gap Elimination Adjustment, as well as a \$285 million increase for reimbursable expense-based

aid programs such as school construction, pupil transportation and BOCES. There would be no (\$0) increase, again, in Foundation Formula Aid.

The school aid proposed by the governor is inadequate and will result in more lay-offs of educators (The NYS Council of School Superintendents reports that approximately 30,000 have already been laid-off over the past five years, with a greater proportionate reduction of administrators than teachers.), and further reductions of educational services and programs. The Education Conference Board reports that almost 75 percent of school districts now receive less school aid than they did five years earlier, in 2008-09 – and the Executive’s proposed budget for 2014-15 will further cut state aid to some school districts. The numbers of school districts in Fiscal Stress is increasing, and so too are the number of districts that are educationally insolvent and “planning for non-compliance.” According to calculations completed by the Educational Conference Board (ECB) due the escalating costs in areas such as personnel, health care and pensions, a *minimum* allocation of \$1.5 billion in additional state aid is needed just to maintain current education programs for the 2014-15 school year. However, a larger increase such as the \$1.9 billion recommended by 83 members of the Senate and Assembly is absolutely necessary and appropriate to avoid further reductions and to better position schools to implement the Board of Regents’ education reform agenda.

The Property Tax Freeze proposed by the governor is tantamount to a “Vote No Proposition.” It will exacerbate the deleterious results of the Property Tax Cap in lowering school district capacity to increase local revenues (especially in low fiscal capacity districts), thereby widening the “gaps” in school fiscal support, educational opportunities, and student performance on a district-to-district basis. It would also pit against one another the governmental entities in each city and region.

### **Recommendations and Positions Regarding State School Aid**

- **Adequacy – SAANYS Recommends** an increase of \$1.9 billion in order to more adequately support school districts in implementing the many mandates associated with the state education reform agenda. An increase of \$1.5 billion is essential in order to avoid the further erosion of our educational system.
  - **SAANYS Supports the prioritization of high need school districts** for the allocation of additional school aid.

- **SAANYS Supports the discontinuation of the Gap Elimination Adjustment (GEA)** over the next two years to promote budget transparency and comprehensibility.
- **Equity - SAANYS Recommends that the Foundation Aid formula be reviewed, revised and funded.** The formula should be benchmarked against the standard of student college and career readiness. Factors to be used in determining an equitable allocation for each school district should better address small high need school districts.
- **Adequacy and Equity – SAANYS Recommends that the property tax cap be discontinued** in favor of a circuit breaker tax relief system. At the very least, the requirement for a super majority to exceed the cap should be revised to a majority vote in favor of action. **SAANYS opposes the Property Tax Freeze proposal.**

**Universal Full-Day Prekindergarten and After School Programs --** The governor proposes Full-Day Universal Pre-Kindergarten, \$100 million / \$1.5 billion over five years; After School Programs, \$720 million over five years; and the Teacher Excellence Fund, \$20 million. All these initiatives exceed current requirements and amount to a top-down approach to local level programming that may not be fiscally prudent (e.g., supporting the program when the special allocation ends) and may not make programmatic sense (e.g., operating a full-time pre-kindergarten program followed by a half-time kindergarten program, or no kindergarten program). These programs should NOT be implemented at the expense of restoring K-12 education aid.

**SAANYS Opposes Teacher Excellence Fund --** While SAANYS recognizes the importance and value of early education programs and after-school services, we feel that providing monetary awards to teachers or school administrators is inappropriate, will likely be counterproductive, and is not an appropriate use of public funding. Educators rated Effective would be more inclined to appeal their APPR evaluations, and negotiated APPR appeals procedures would gradually become more formal and costly as successor collective bargaining agreements are negotiated. Moreover, a 2011 study by The Hamilton Project concluded that "...financial incentives given to teachers for student achievement are not effective." In studying the impact of a teacher incentive program implemented in New York City in 2007, the report indicates "...there is no evidence that teacher incentives increase student performance, attendance, or graduation, nor is there any evidence that the incentives change teacher behavior. If anything, the

evidence suggests that teacher incentives may decrease student achievement, especially in larger schools.”

### **Recommendations Regarding State School Aid:**

- Although SAANYS supports universal full-day prekindergarten, and afterschool services, in light of the austere fiscal outlook faced by many and the year-to-year and cumulative negative impacts of under-funding schools, it is recommended that such funds be allocated to school districts as operating aid to address each school district’s unique and pressing needs.
- SAANYS does not support the provision of supplemental compensation to teachers (nor to school administrators, who were omitted from this proposal). Such funding should be re-directed to school operating aid.

### **Other SAANYS Positions Regarding Executive Budget Proposals**

**Smart Schools – SAANYS Supports** presenting a \$2 billion bond referendum in November 2014 for funding to be allocated to districts, on a formula basis, to enhance classroom technology and improvements related to full-day prekindergarten and after school support. In a manner similar to communities voting for or against school budgets, the general public will be able to determine whether to support this initiative through a majority vote, not a supermajority vote. It does not appear that the funding of this program would adversely impact or diminish school districts’ state school aid allocations.

**School District Reorganizations – SAANYS Supports** the provision of incentives to two or more school districts contemplating reorganization. In this case, participating school district boards of education would be permitted to agree upon the common timeframe for which the impact would be deferred, not to exceed 10 years. SAANYS opposes any bill or proposal that would compel school district reorganization/consolidation. In regard to the consolidation of small school districts, a 2011 study completed in California concluded that, “Neither the academic research nor our own review offers persuasive evidence that consolidating small school districts would necessarily result in substantial savings or notably better outcomes for students. ...we recommend the state generally maintain California’s long-standing policy of letting local constituencies decide how to best structure their local districts.” It should be

noted that the state of California provides “Necessary Small School” fiscal supplements to small school districts.

**BOCES Services to the Office of Children and Family Services – SAANYS Supports** the amendment of Section of 1950 of Education Law to expand the programs it may provide under contract to OCFS. 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 the use of the BOCES model to provide shared services to school districts (including large cities), municipalities, libraries, charter schools and colleges. The extent and types of services would likely be different from BOCES-to-BOCES, as is the case for school districts.

**P-TECH Expansion – SAANYS Supports** the expansion of the Pathways in Technology and Early College High School program as a means to develop and scale-up program and student STEM instruction that is educationally and economically timely and needed.

**Common Core Panel – SAANYS Does Not Recommend retrenchment or discontinuation of common core phase-in.** Rather we recommend a moratorium or “pause” on the use of state common core-aligned assessments until independent reviews are conducted. Therefore,

- **For Common Core Learning Standards, SAANYS supports** convening a panel of national education experts and members of the State Legislature to examine and make recommendations regarding any and all aspects of the Common Core Learning Standards that must be addressed for successful implementation.
- **For Common Core-Aligned Tests, SAANYS Supports S-6099**, by Senator John Flanagan. Consistent with extensive testimony received from educators and parents at five public hearings, for common core-aligned state assessments this bill would require a comprehensive independent audit of the state common core testing program and annual reports by the Commissioner of Education to the governor and legislative leaders.
- **For Annual Professional Performance Reviews, SAANYS and the Education Conference Board Recommend** that an independent evaluation of the State annual professional performance review system be conducted to determine the extent to which established procedure produce valid and reliable evaluations and identify aspects of the system that should be revised, along with recommendations for system improvement.

**Kindergarten – Grade 2 Standardized Test Ban – SAANYS Supports** a ban on the administration of vendor-developed standardized tests to students in prekindergarten to grade 2. In this regard, **SAANYS Supports S-6008**, by John Flanagan. This bill would put in place appropriate safeguards to ensure against the inappropriate and excessive over-testing of young students. It also allows for local control and respects teacher and administrator collective bargaining agreement provisions that pertain to annual professional performance reviews. Also, **SAANYS Supports S-6006**, by John Flanagan. This bill, which is also related to K-2 testing, would encourage and promote the submission of school district and BOCES applications the amend APPR plans to reduce student testing, by restraining overly zealous and overly burdensome review/approval procedures by the State Education Department.

**Waivers for Special Education Duties – SAANYS Supports** amendment of Education Law with a new Section 4403-a authorizing school districts and BOCES to apply for a waiver “from any requirement” imposed in Sections 4402 and 4403, including concomitant regulations. The quality of special education services and programs would be ensured as such waivers must result in the provision of an innovative special education program that is consistent with federal law and enhances student achievement and/or regular education opportunities. This proposal could result in meaningful mandate relief for individual school districts and BOCES or for regional consortia of school districts and BOCES.

**Dignity for All Students Act, Pattern of Harassment, Bullying or Discrimination – SAANYS Does NOT Support** the heavy handed and excessive penalty – Section 306, Removal of School Officers – proposed for principals who fail to report a pattern of harassment, bullying or discrimination of which they knew or “should have known.” The proposed statutory amendments are fraught with vagaries: what constitutes a “pattern” and over what time? How and upon what objective threshold is it determined what an principal or school superintendent “should have known?” Moreover, for school principals, what is the rationale for substituting disciplinary action under Section 306 rather than invoking Section 3020-a procedures?

**Age of Criminal Responsibility – SAANYS Does NOT Support** increasing the age of criminal responsibility. Students and gangs sometimes commit premeditated deviant acts in consideration of their age. **SAANYS is Adamantly**

**Opposed** to raising the age of criminal responsibility for acts of violence. For more than a half decade, school districts have exceeded personnel including guidance personnel, school psychologists, and school social workers. There is a need for more mental health services, and **SAANYS Supports** the expansion of community schools.

**Stemming Recidivism – SAANYS Supports** the provision of appropriate support services to students returning to school districts from incarceration. Any restrictions to the transfer of educationally relevant information and data between school districts and institutions of incarceration should be discontinued to the maximum extent practicable.

### Closing

The public's tremendous rate of approval of school district budgets in 2013 (95.3 percent) based on information from the NYS Association of School Business Officials) 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 workforce 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.



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**ECB**  
**Educational**  
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January 11, 2012

To: Members of the Board of Regents

All Educational Conference Board member organizations are strong proponents of a more effective and constructive annual evaluation of the professional performance of principals and teachers. On behalf of both our students, and the individual members of our respective organizations, we need to ensure that the new APPR process will be successful.

To that end, we join together to make a united request that a formal and independent review of the Annual Professional Performance Review process and its implementation across the state be commissioned and undertaken as soon as practical. The information we continue to receive from our respective members leads us to believe that the current process is not yet perfected and may need further improvements.

This formal and independent review should be conducted by a panel of qualified researchers who are not currently employed by SED or in any capacity by an entity affiliated with SED.

The review should include both qualitative and quantitative components. The qualitative component should address the impact of the system upon school climate and culture, including teacher-principal relationships; the availability and consistency of Network Team support and APPR implementation from region-to-region. The quantitative component should include a method to capture and measure the state-and local-level costs of APPR implementation and the impact of the system in improving student performance and college and career readiness.

We would be pleased to work with the State Education Department to help develop the general scope of this review and to determine steps to be taken once the review is completed.

Although we know that SED has completed APPR status reports that have been presented to the Board of Regents and that the department is planning for a data-based review of APPR procedures, ECB strongly recommends that a formal and independent review, designed and



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK**

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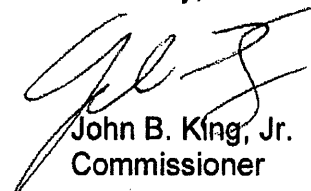
February 28, 2013

Mr. John Yagielski, Chair  
New York State Educational Conference Board  
c/o New York State United Teachers  
800 Troy-Schenectady Road  
Latham, NY 12110

Dear Mr. Yagielski:

Thank you for your letter regarding Annual Professional Performance Reviews. As you know, the Board of Regents and the Department committed to a comprehensive evaluation of implementation of the Common Core and the new teacher and principal evaluation system in the Race to the Top application submitted in 2010. As has been described in numerous public Board of Regents meetings, including most recently at the February 2013 meeting, work on that evaluation - including the necessary procurement activities - is underway.

Sincerely,



John B. King, Jr.  
Commissioner

c: Lana Ajamian, President  
Tim Kremer, Executive Director  
Kevin Casey, Executive Director  
Georgia Ascitto, Executive Director  
Michael J. Borges, Executive Director  
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